ASPECTS OF THE SOCIAL AND POLITICAL SYSTEM OF

MANUSMRTI

BY

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(RADHA KUMUD MOOKERJI LECTURES, 1946)

LUCKNOW UNIVERSITY

1949

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PREFACE.

In the literatures of the world, *Manusmṛti* has held for centuries a unique position. Even in its present recension it is admittedly above two thousand years old. For atleast a thousand years earlier the name of Manu was cited as the author of many floating dicta to which his name gave weight. Even in *Arthaśāstra* a school of thought springing from Manu was held in esteem long before the fourth century B. C. The book does not claim to be a direct utterance of God, but to have been revealed by the Father of Mankind to assembled sages through another sage (Bhṛgu) to whom its terms had been communicated, and in the presence of the Patriarch himself. The inspirer of the work is one of fourteen Manus, who are divinely appointed regents of the universe for vast time cycles (*manvantara*), and who are immortal. By agreement, it has been accorded primacy among *smṛtis*, and dicta opposed to its are rejected. Its study is imposed as a duty on the leaders and teachers of society. Manu is said in Indian tradition to have been the first king of men, the greatest ruler ever born, and 'entitled to veneration by all who claim to be intelligent' (*mānanīyo manīṣiṇām*), in the words of Kālidāsa. For thousands of years Indian society has been moulded on the lines laid down in *Manusmṛti*. To uphold Manu's words has been to uphold the Indian social order, to condemn his teachings to reject it. Accordingly, anti-Hindu propaganda dating from the advent of British rule in India, whether conducted by followers of alien religions or by Indians who desired to reform their own religion or society, has made *Manusmṛti* the chief target of attack. At the same time, Hindu reformers like Swami Dayanand Saraswati, who have advocated a purification of Hinduism and of Hindu society, have turned to *Manusmṛti* and have used it as a text-book for homilies to Indian leaders. Centuries ago it was carried over the seas by Indian colonists and conquerors and became the law of the lands over which they ruled, and the foundation of their social and political order. Even in the West, its wisdom and foresight have attracted the attention of men not borne down by convention and habit, like Nietzsche, who have looked for new light. To-day, after the agonies of two calamitous world wars, there are thoughtful men who find in its social system a model for remaking the world. Attempts have been made to study *Manusmṛti* in the light of modern sociology, and to find how far its teachings and fundamental beliefs, (metaphysical, ethical and political) can help in a synthesis of a new order in our war-riven world,

The recognition of its commanding position in social literature is not new. The best minds of India, educated on traditional lines, and filled with a knowledge of its basic beliefs, have made it for centuries the subject of study and comment, so that its light may shed illumination on furture ages. Not a century has passed without a great commentary on *Manusmṛti* being composed. At present, the oldest commentary that has survived is the *Manubhāṣya* of Medhātithi, which is at least 1200 years old. But Medhātithi used older commentaries like those of Asahāya (whose commentary on *Nāradasmṛti* has survived in fragments), Bhartṛyajña and Bhāguri. What is more significant is that the ancient *smṛti* of Bṛhaspati, which is far older than commonly believed by many scholars, is virtually a lucid expansion of Manu's work—a kind of *vārttika*. It explains crucial passages that puzzle modern writers who see in them inconsistency or suspect interpolation. V. N. Mandlik rendered a great service to the study of *Dharmaśāstra* by collecting eight famous commentaries on the work and printing them in 1886. Where Sir William Jones had only the guidance of Kullūka, modern students of *Manusmṛti* can use the erudition of Medhātithi, of whose work, besides Mandlik's somewhat incorrect edition, we have now two editions and an English translation by Sir Ganganath Jha. They can also find light in Govindarāja's brief but pointed notes. A new edition of this commentary is badly wanted. It is unfortunate that Dr. Jolly's extracts from the *ṭīkas* on Manu could not proceed farther than the third book.

As compared with Indian scholars of the past, their successors labour under grave disabilties. A proper grounding in *Nyāya* and *Mīmāmsa*, as well as thorough mastery of Vedic texts and of the *sūtra* literature, was regarded in the past as essential to a proper study, or even a correct approach to the study and comprehension of Manu. The difference between one commentator on Manu and another is the relative command of this preliminary knowledge. Even ordinary paṇḍits, who did not possess a mastery of Indian dialectics, science of interpretation and grammar, had enough of the necessary equipment to enable them to comprehend the work better than modern scholars. They had further the advantage of a familiarity with the beliefs, which constitute the religious and metaphysical foundation of Indian life, and naturally of the premier work which lays down the way of life to India's millions.

Today, except among those who have made a close study of *Manusmṛti* and of *Dharmaśāstra* generally, there is often lack of appreciation of its cardinal importance and wisdom. This is due to several causes. First among them, of course, is unfamiliarity

with the technique of the composition of *smrtis*, and of the habitual forms of expression that have passed in India from common life to literary works. This defect is due to lack of training in the application of the traditional rules of interpretation collected in *Mīmāmsa*, as much as to superficial knowledge or even unfamiliarity with Indian modes of thought and expression. Next comes reliance on a knowledge of classical Sanskrit literature as enough for a comprehension of the *smṛti*. A dictionary and a grammar cannot make a person interpret a legal treatise. Even the expositions of English law by Blackstone and Stephen postulate, for proper understanding of them, a knowledge of English life and traditions, of English beliefs, of the technique of English law and of English institutional and constitutional history. The position of the basic works in *Dharmaśāstra*, and of even the *nibandha* (digest) literature is not different in this respect. Nevertheless, *smṛtis* are read, interpreted, translated, commented on, and praised or criticized, without a similar preliminary equipment in students and critics. Our *smṛtis* are mostly in verse, which displaced the older aphoristic form as a convenient device for memorizing. Their language has a deceptive lucidity, like a well drafted modern statute. One who does not have a knowledge of the metaphysical and religious background of the *smṛtis* will fall into many errors. A modern reader is apt to miss the *form* of *Manusmṛti*:—its being a recitation addressed by a great sage named Bhṛgu, a disciple of Manu, to an assembly of sages (*ṛṣis*) in the presence of Manu himself. The audience was as familiar with the religious and metaphysical ideas of the land as the reciter. This absolved Bhṛgu from the necessity to give a detailed exposition of the background, viz, the implied ideas on religion, cosmology, mythology and traditional history. Such an exposition is vital for *our* understanding of the work today. But *Manusmṛti* has a plan, unity and order, like any carefully composed work of literature. It aims at being self-contained and complete regarded as an exposition of Dharma. Accordingly, some allusion or even a brief indication to the basic ideas, which form its back-ground, is necessary. The organization of life, as detailed in the *smṛti*, was intended to help men to attain the *summum bonum*. The order of treatment follows the institutions that are held to help man in his upward march to the ultimate goal, viz., *varṇa* and *āśrama*. Life in this world is a hyphen between a series of past existences and of future states. The work is also intended for all time and for all circumstances. Modern readers, who rely on translations, are apt to miss these features of the *smṛti*. When in almost the same breath the *smṛti* indicates an institution like *niyoga* (levirate), and the conditions which should govern its application,

and also condemns it as an "animal practice" (*paśu-dharma*), *vide Manusmṛti*, IX, 59-63 and IX, 64-69, the juxta-position of apparently opposed views should be treated not as an instance of inconsistency, or carelessness in composition, or of interpolation, but, as explained by Bṛhaspati, as an indication of applicability and inapplicability to different time-cycles or *yugas*. Its claim to comprehensiveness in surveying human nature is responsible, on the one hand, for its eloquent pleas for the kind treatment of women (III-55-62) and for the indication also of the weakness and inclination to wickedness in women (IX, 14 ff.) in order that by care they may be protected from yielding to natural urges. Idealization of the sex should not make one overlook bad as well good members of the sex, and the causes that lead to their rise or fall.

Manusmṛti must be read in its literary context, *i.e.*, along with works of the class in which it enjoys primacy and authority. It is not an isolated work. A great part of it is a repetition of material in the *sūtra* literature, which forms an adjunct to the Vedic (*vedāṅga*). *Dharmaśāstra* claims internal consistency, like all literature that ultimately rests on a revealed or semi-revaled source. Modern studies of *Manusmṛti* often suffer from dealing with it in isolation and apart from related works of the same class. *Bṛhaspatismṛti*, for instance, explains and supplements Manu's work, and is virtually a *vārttika* on it. This internal consistency, not only within *Manusmṛti* but between it and other works of the class, must be looked for, and hasty assumptions of contradictions between *smṛti* and *smṛti* should not be made. Such assumptions lead to ideas of evolution of legal or constitutional theories in Indian *smṛtis* and *Arthsāstra*, which Indian tradition will not endorse. A familiar device to convey emphasis is to exaggerate. The description of the king as a god, does not make him literally one, and place him above Dharma. A modern myth of ancient Indian absolute monarchy is based on an understanding of such comparison or rhetorical statements, either in *Dharmśāstra* or *Arthaśāstra*, and taking such exaggerations literally. Similar rhetorical statements regarding the first *varṇa* have inspired denunciations of the *smṛti* for upholding a heirarchy. Both the "divine" king and the "divine" Brāhmaṇa are made responsible for their actions with greater rigor than others, which is a serious modification of their "divine" position. Much of the animus against *Manusmṛti* in our day is due to imperfect comprehension of its real teaching.

We have had several studies of Manu in recent times, to some of which a reference must be made. With matchless and wide learning, Dr. Bhagavan Das of Benares has expanded his *Lectures on the Laws*

of Manu, published in 1910, and has made the work the chief basis of a study of *Social Organization in the Light of Adhyātma-vidyā* (1932-1934), which he claims to be the proper guide to the modern world. Dr. Kewal Motwani's *Manu in Hindu Social Theory* (1934, 2nd Ed., 1937) is less profound, and is based on translations alone. It claims "to present Manu's social theory in terms familiar to students of modern sociology", and is in effect an attempt to vindicate the sociological soundness of the ancient work, even when judged by American standards. The late Dr. K. P. Jayaswal's Tagore Law Lectures on *Manu and Yājñavalkya* (1928) are chiefly concerned with the analysis of the jural ideas of the two works. It suffers from the hypotheses of a supposed rivalry between *Arthaśāstra* and *Dharmaśāstra* and of the superiority (in virtue of greater realism and humanity) of the former, as well as from conclusions based more on intuition than proof, like the theory of the present version of *Manusmṛti* being a composition to justify the Śunga usurpation. None of these works gives a resumé of Manu's views, as traditionally understood and handed down from generation to generation in *Bhāratavarṣa.* His wide knowledge of history and philosophy enabled the late Professor K. Sundararama Aiyar, who was familiar with the fundamental beliefs of the Hindus and whose own blameless life reflected the ideals of the great *smṛti*, to use *Manusmṛti* largely in his *Dharma and Life* (2 vols , 1921) to vindicate the modernity of Manu's ideals and the claim of *Dharmaśāstra* to be for all time (*sanātana*).

The aim of the lectures now published is narrower and different. It is not designed as a defence of Manu or of the social and political ideas contained in his work and claiming to rest on a semi-divine authority. The lectures merely endeavour to present the salient features of the social and political system of *Manusmṛti*—and of Indian society—as understood for centuries by those who drew their inspiration from the work. The only innovation is the presentation of the ideas in language and terms more easily intelligible to modern readers. One of their purposes will be realized if they serve as a stimulus to the revived study of this famous classic, which is more often cited than read and understood. The lectures constitute a prolegomena to the study of *Manusmṛti.* They are part of the task that has been the author's for many years, and the continuation of lectures delivered before the universities of Madras, Benares, Calcutta and Mysore, and an anticipation of lectures delivered recently under the Maharaja Sir Sayaji Row Gaekwad Prize Endowment at Baroda. The author's interest in *Arthaśāstra* dates back to his college days half-a-century ago, and it has been continued later in studies of *Dharmaśāstra*, particularly in

charya, M.A., L.T., formerly of the Madras Educational Service, has also helped with the proofs and advice. The Madras Law Journal Press, at which the lectures have been printed, has been subjected to some inconvenience through involuntary delays in passing the proofs and furnishing the index and preliminary matter. To its Proprietor, Mr. N. Ramaratnam, M.A., B.L., an expression of gratitude for overlooking the delay is due.

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25th January, 1949

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LECTURE I

MANU AND HIS RIVALS

I MUST at the outset thank the authorities of your University for inviting me to address you on a Foundation, which commemorates the services to scholarship and to the University of my distinguished friend Dr. Radha Kumud Mookerjee. When I gave out the results of my studies of Ancient Indian Polity in lectures under a similar foundation over forty years ago in my own University,[1] he was one of the very small band of Indian scholars who had made contributions to the subject.[2] My pleasure and honor in being associated with the Mookerjee Lectures is increased by two circumstances. The inaugural lectures were given a year ago by my life-long contemporary and friend, the Hon'ble Sir S. Varadacharya, who is justly regarded not only as one of our foremost lawyers and judges, but as one whose scholarly interests extend much beyond his special studies and whose discriminating love to Hindu Dharma is an outstanding feature of a blameless life. Though this is my first visit to your city and University, I can claim a shadowy connection with both; for, when your University was started, I was invited by the first Vice-Chancellor, the late Rai Bahadur Dr. G. N. Chakravarti, to accept the Professorship of History, which has been filled with so much distinction by Dr. Mookerjee. I would like to regard my present lectures as in a belated way associated with a chair which I could not then occupy.

I have been asked to speak on the Political and Sociological System or Ideas of the *Manusmṛti*. In as much as the selection is the work of the authorities who direct the Endowment, under which the present lectures are delivered, neither explanation nor apology for the choice of the subject is required of me. But, I may be permitted to say that, had the choice been left to me, I could not have made a better one. There are many grounds for a review to-day of the social system which is popularly attributed to Manu. His work was naturally

1. Sir Subrahmanya Aiyar Lectures on "Some Aspects of Ancient Indian Polity", 1914.

2. *e. g.* his Introduction to N. N. Law's "Studies in Ancient Hindu Polity", 1914.

one of the first to attract the attention of European orientalists. The translation of *Manusmṛti*, which Sir William Jones gave to the world in 1794, opened the eyes of historians of the West to a valuable source for the reconstruction of ancient Indian society. Its all-pervading influence over the Hindu masses, and the allegiance it commanded justified his description of it as a *Code* and its provisions as "Laws". It was not a mere relic of a civilization that had passed away ; for it still guided the lives of millions in the sub-continent where it had been dominant for centuries. Its dicta had become part and parcel of the Hindu scheme of life, for as long as historical memory could reach. Few books, other than the gospels of wide-spreading religions, had had so widespread a power to mould the minds and lives of men. It had been carried to lands over the sea to which Indians had emigrated for trade or conquest, and had become the basis of the social synthesis attempted in those far-off lands by the incomers, who established their dominion over the older inhabitants. For hundreds of years it has been the foundation of Burmese law.[1] Memories of it are found in the far too few epigraphical records of the Greater India which Indian emigrants created in the Far East.[2] Even to superficial and alien criticism, inspired by a sense of cultural and religious superiority, it disclosed features of unexpected 'modernity' and reasonableness. The great literature that the further researches of Orientalists exposed to view, were seen to be based on it. It seemed to be the bed-rock of Hindu civilization. As an authentic historic source, in the category of literature and 'law', it seemed to have no rivals. From James Mill and Elphinstone to Max Duncker, historians of eminence drew upon it, almost to the exclusion of other sources, for their pictures of ancient Indian society.

This position would have remained unchallenged but for the great advance in Indian studies which revealed other sources, Buddhist and Brahmanical, and which brought to light a subject even more *directly* bearing on social and political life than the smṛti literature from which it seemed to be distinguished by the absence of non-secular features and aims. This was *Arthaśāstra*, whose existence as a distinct branch was all the time known but vaguely, till the accidental discovery of its most important representative, the *Arthaśūtra* or *Arthaśāstra* of

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1. The Burmese are governed by *Dhammtats*, which are based on *Manusmṛti*. *See* Forschammer, "Sources and Development of Burmese Law", 1885.

2. *Manusmṛti* is still used as an authority in the island of Bali. In A. Bergaigne's "Inscriptions Sancrites de Campa et du Cambodge," p. 423, we have an inscription in which occur verses one of which is identical with Manu, II, 136 and the other is a summary of Manu, III, 77-80.

Kauṭilya, the great Mauryan king-maker and minister. The intensive study of this work, in relation to other surviving works of the class, dates from 1889. Its discovery has been even more memorable in the history of Indian sociology than the accidental finding of the *Institutes* of Gaius at Verona by Niebuhr was to the study of Civil Law. It was natural that in the first flush of enthusiasm *Arthaśāstra* should be applauded for features which seemed to be present in it alone. Little attempt was made by the new enthusiasts to discover, by closer examination of both this subject and of its "rival", whether the aspects were distinctive of it only. The difference between it and *Dharmaśāstra* was likened to that between the work of a statesman and a priest. Much was made of its 'secular' outlook and features, as contrasted with the 'religious' or 'superstitious' attitude of its rival. Even more was claimed for *Arthaśāstra*. In it alone was to be found the "real and theoretical Materialism of India". In it are Indians seen "emancipated from their prejudices", their sole point of view becoming human and a-moral. (The traditional exponent of Indian Materialism, Bṛhaspati, was identified with the pre-Kauṭilyan authority of the name in *Arthaśāstra*.) Each critic singled out for commendation the feature of *Arthaśāstra* which fell in with his own bias. It was praised for its 'modernism'. It was lauded for its considerate treatment of women, and was acclaimed as their special 'charter'. The provisions of Kauṭilya's work, which condemned harshness to women, protected them by stringent penalties from insult, assault and slander, gave married women rights of judicial separation and divorce, and of separate property and rights in inheritance, were held up as special illustrations of its greater humanity. It was pointed out that women were not secluded in *Arthaśāstra*, that under its provisions the maintenance of destitute women was a first charge upon their relations and families, and ultimately upon the State, and that no woman could be abandoned. Like a magic mirror, Kauṭilya's work presented to every student the lineaments of his own favorite bias. It was pacifist in outlook and prescription. It reflected the historic spirit—so notoriously absent in Indian literature. Its schedule of penalties is less harsh than that of smṛtis. It stands up for the supremacy of the State. Its author is the upholder of constitutional safeguards against absolutism. Like Machiavelli, he is a nationalist, a patriot, ready to adopt any means, however dubious, for securing his noble ends. Some of these generalizations are mutually incompatible. Others ignore the fact that what was praised as a specific contribution of *Arthaśāstra* is equally conspicuous in *Dharmaśāstra*, and that in some respects Manu is even more considerate to women than Kauṭilya. They were however right in explaining the

apparently immoral doctrines of the Mauryan minister as mere statements of fact, or of tradition, as well as of possibilities which no sane statesman can afford to overlook, and that distinct injustice was done to Kauṭilya, when he was ridiculed by Bāṇa and Daṇḍin for his love of detail, 'immoral' doctrines and crooked practices (which seemed to justify the pun on his name Kauṭilya made by the dramatist)[1] because these facts were overlooked, and a confusion of the *subjunctive* and the *imperative* led to wrong deductions, in such matters as in the specification of modes of embezzlement, of doing away with obnoxious ministers, of getting the better of one's enemy or of winning a ruler's confidence or favour. It has been argued that works like Kauṭilya's attained greater popularity than works like the *Manusmṛti* (an unproved assertion!) because of their freedom from sacerdotal considerations, higher sense of realities, absence of mere idealism in them, and their greater logic and reasonableness. The grounds adduced would indeed be valid to-day. In the *milieu* of India of the past, however, it is very doubtful if they would have made for the popularity of *Arthaśāstra*. The fact remains that this subject has remained in the background, as compared with smṛti literature, and that its most important work has been all but lost. That *Arthaśāstra* became more acceptable because Sūdra or atleast non-Kṣatriya dynasties came to thrones, and members of the last *varṇa* became opulent through economic changes are also generalizations of doubtful validity. In a consideration of the *modern* eclipse of *Dharmaśāstra* by *Arthaśāstra* they have value, as the features are such as appeal to *modern* minds.

Such views, however speculative they may prove to be on critical examination, are relevant in a consideration of the obstacles to a clear perception to-day of the contribution of smṛtis like those of Manu to the evolution of an organized social order and of its upkeep through the centuries. In every praise of *Arthaśāstra* there runs an implication of corresponding deficiency in works like those of Manu, and of a silent hostility supposed to have run through history between the two *śāstras*. The underlying assumption is contrary to Indian tradition, which has regarded the two not as rivals but as complementary, and as differentiated merely by their method of approach to problems and not by a difference in fundamentals and basic hypotheses. It will be seen also to be ill-founded if the character and background of the two are correctly apprehended, and if the identity of their fundamental beliefs is realized. It has however helped to create, along with other influences, to which reference will be made later on, an atmosphere of

1. "*Kauṭilyaḥ kuṭilamatiḥ*" (*Mudrārākṣasa*, ed. Telang, p. 61).

prejudice and misunderstanding of the character, aims, origin and value of *Dharmaśāstra* literature as a whole, and of its best known work, the *Mānava-Dharmaśāstra.* Errors have great vitality, especially when they take the form of dogmatic generalizations.

In upholding the superiority of Kauṭilya's work over a great smṛti, the arguments relied on are usually three: that the former is 'secular' while the latter is steeped in 'religion'; that the former is free of the taint of 'orthodoxy'[1] while the latter is its champion; that there is more 'realism' in the former and 'more idealism' in the latter. The last criticism is that which has been voiced also by writers like Sir Henry Maine, who in denouncing *Manusmṛti* and its class have described them not as stating what actually was the law but as what an interested class wished to become the law or to be known as the law.[1]

The argument of the 'secular' character of Kauṭilya's work, as a representative of its class, is based on a few instances from his work. I dealt with them at some length twelve years ago, when I gave some special lectures[2] before the Calcutta University, when I showed how they crumble on examination. The data adduced in favour of the thesis are briefly these. Kauṭilya does not provide a place for the royal priest (*purohita*) among the seven elements of the State (*prakṛti*). He does not include in his enumeration of the threefold 'power' (*śakti*) on which a king has to rely, the spells of the *purohita* to ward off dangers. In the enumeration of the subjects of study for the future king, Kauṭilya mentions Materialistic Philosophy (*Lokāyata*).[3] Among the triple aims of life (*trivarga*) he gives the first place to *Artha.* In his enumeration of the four *vidyās*, he gives a place to two 'secular' subjects, *Vārtā* and *Daṇḍanīti.* He condemns the king who is 'always questioning the stars' (*nakṣatram ati pṛechantam*).[4] He overlooks methods of 'divine proof' (*divya*) or ordeals, which figure prominently in smṛtis, while allowing torture. The king is advised to

1. "The Code of Manu does not represent a set of rules actually administered. It is in great part an ideal picture of that which in the view of the Brahmins ought to be the law" (*Ancient Law*, 1861, ed. Pollock, p. 15).

2. "Indian Camerlaism", March, 1934. The lectures are being printed.

3. A. K. Sen, "Studies in Hindu Political Thought", 1926, pp. 1-16: A M Pizzagalli, "History of Materialism in Ancient India" (in Italian), 1907, p 86, holds that *Nītiśāstra* contains the real theoretical Materialism of India and that in it alone were the Hindus emancipated from all prejudices, as "their sole point of view was human, which often led to the sacrifice of the moral" (p. 69).

4. *Kauṭilīya Arthaśāstra*, 1st Edn., Mysore, 1909, p. 349. All references to the work are to this edition.

trade on the credulity of people. The State is allowed to run gambling dens and slaughter houses,[1] which Manu condemns as *adhārmika*. He permits women to remarry and allows divorce (*mokṣa*), which Manu refuses.[2] These arguments are found to be weak when seen in their right context. The *purohita* is a member of the council of ministers, which is one of the seven *prakṛtis*.[3] His salary is considerable and reflects his value to the State. In unambiguous language Kauṭilya praises the king whose wisdom is reinforced by the counsel of his chief priest. Like all ancient writers Kauṭilya believes in the potency of spells and incantations from the Atharva Veda, and the *purohita* is expected to be an adept in them. A king should take the world as he finds it, and if it is full of unbelievers, it is good policy for a ruler to learn their tenets and their philosophy. But the danger of his succumbing to the heretical views is warded off by the provision that philosophy is to be learnt by the prince *only* from men of orthodox learning (*śiṣṭa*)—a precaution that provides for both a knowledge of heresy and the arguments against it. Safeguards against atheistical influences are provided for the king, whose duty is to maintain Dharma. The value of each element of *trivarga* is also canvassed by Manu, who does not under-rate the value of wordly studies or the pursuit of the means of well-being. The pre-occupation of Kauṭilya is with *artha* and his placing it first is only the technique of a specialist. He does not under-rate either Dharma or *kāma*, which have their due place in life, or *mokṣa*, which is the highest and ultimate aim, for the fulfilment of personality.[6] Kauṭilya condemns—not belief in astrology, but the addiction to it of the spineless fatalist. He contrasts it, as do *smṛtis*, in which the relative value of *daiva* and *puruṣakāra* are considered, with *utthāna*, the spirit of self-reliance and energy.[7] Kauṭilya's

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1. *Ibid.*. p 196 and p. 329 (gambling); p. 122 (slaughter-house). For Manu's attitude, see Buehler, "Laws of Manu" (S. B. E., Vol. XXV, 1886), pp. lxx-lxxi.

2. Kauṭilya denies divorce for the first four forms of marriage, *amokṣo dharmavivāhanām*, p. 155.

3. *Ibid.*, p. 15.

4. *Ibid.*, p. 245. Kauṭilya places the *acarya*, *ṛtvik*, and *purohita* in the highest class along with the prime-minister, commander-in-chief, heir-apparent, queen-mother and queen-consort, on a salary of 48,000 *paṇas* a month. See *Ancient Indian Polity*, pp. 40 and 159.

5. *Anvīksikīm ca śiṣṭebhyaḥ* (p. 10).

6. धर्मार्थाविरोधेन काम सेवेत न निःसुखः स्यात् । सम वा त्रिवर्गमन्योऽन्यानुबन्धम् । एको हि अत्यासेवितो धर्मार्थकामानामात्मानमितरौ पीडयति । अर्थ एव प्रधान इति कौटिल्यः । अर्थमूलौ हि धर्मार्थकामाविति ॥ (कौ. १२)

7. *Ibid.*, p. 258.

questionable means for circumventing enemies and treasonable subjects are *restricted* in their application to disloyal or unrighteous persons. The supervision of slaughter-houses is necessary for sanitation, when meat is allowed to be eaten, and of gambling dens in the interests of the police. Mere prohibition of gambling will only drive it underground; it is best to deal with it openly and, as in the case of the sale of intoxicants to-day, make resort to it dear. Divorce is permitted only in the lower forms of marriage, among the lower classes of the population, whose practices are tolerated even by smṛtis, and he expressly excludes from divorce marriages celebrated according to Dharma precepts, *i.e.*, the first four types (*a-mokṣyo dharma-vivāhānām.*)[1] It is noteworthy that Kauṭilya makes the same teachers who give instruction in the Vedas (*trayī*) to the prince, teach him *ānvikṣikī*. (Logic and Metaphysics) and *Lokāyata*. The prince is to be saved from the sophist (*hetuśāstrajna*) who questions the validity of the Vedic injunctions, and who is denounced by Manu (II, 11).[2] Manu has no animus against the logician as such, since he gives him a place in the *pariṣad* or tribunal which is to settle doubtful points of Dharma (XII, 111).[3] The attempted differentiation between smṛti and *Arthaśāstra* is seen in its unreality, when it is found that on almost all points there is really agreement, where disagreement is postulated. In the discussion of the triple aims of life (*trivarga*), Manu holds that all three are good, and should be pursued together (II, 224)[4] though in case of opposition to or incompatibility with Dharma, the remaining two should be discarded. (IV, 176).[5] This is not contradicted by Kauṭilya. While by advising concentration in the pursuit of wealth (*artha*) 'like a heron', Manu stresses its value, Kauṭilya inveighs against the transitoriness of wealth, when compared with more vital aims of life (*kā hi anitye dhane dayā*, XII, 1). The questionable

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1. *Ibid.*, p. 155.
2. *Manu*, II, 11:

योऽवमन्येत ते मूले हेतुशास्त्राश्रयाद् द्विजः ।
स साधुभिर्बहिष्कार्यो नास्तिको वेदनिन्दकः ॥

Citations from *Manusmṛti* will give only the references to chapter and verse and not mention the name of the work, as in the case of citations from other books.

3. त्रैविद्यो हेतुकस्तर्की नैरुक्तो धर्मपाठकः ।
   त्रयश्चाश्रमिणः पूर्वे परिषत् स्याद्दशावरा ॥ (१२, १११)
4. धर्मार्थौ उच्यते श्रेयः कामार्थौ धर्म एव च ।
   अर्थ एवेह वा श्रेयः त्रिवर्ग इति तु स्थितिः ॥ (२,२२४)
5. परित्यजेदर्थकामौ यौ स्यातां धर्मवर्जितौ ।
   धर्मं चाप्यसुखोदर्कं लोकविक्रुष्टमेव च ॥ (४, १७६)

tax are to be granted for the worship of gods and the manes (p. 240).[1] The lands of *śrotriyas* (Brāhmaṇas of learning and character) are not liable in *any* circumstances to confiscation (p. 240).[2] A Brāhmaṇa who drinks wine or eats forbidden food is to be excommunicated, if he does so of his own accord; if he is made to do so, the person who compels or induces him to do the forbidden act is to be severely punished.[3] The cattle belonging to temples or gods cannot be impressed into service (p. 238). Heavier punishments are provided for the seduction of women of higher caste by men of lower castes, than the other way round.[4] Kauṭilya roundly declares that a king must enforce Dharma, and not deviate from it himself, as eternal prosperity can result only from every one following his own duty (*svadharma*[5]).

The orthodoxy of Kauṭilya is not personal. It is common to him along with other writers on *Arthaśāstra.* His admirer and follower Kāmandaka affirms that a king prospers only when Dharma is maintained, and he enjoins the king to live up to Dharma.[6] Some passages have usually been cited from the *Śukranīti* (which in its present form seems to be a late work) to show Śukra's freedom from orthodoxy. But, on inspection, they are seen not to be singular to Śukra or writers of his class. Śukra's declaration that caste counts only for marriage and interdining, merely repeats a Dharma doctrine.[7] Every smṛti condemns birth unaccompanied by *ācāra* or *vidyā*, and the practice of forbidden occupations by the Brāhmaṇa. (See Manu III, 64-65, 150-166, VIII, 102, XII, 71 etc.). Śukra's declaration that for office caste should not count has to be construed with his own rule excluding the Śūdra from being a judge or general. The self-

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1. देवपितृपूजादानार्थं गवार्थं वा...परिहरेयुः । (*Ibid.*; p. 240)

2. अरण्यजातं श्रोत्रियस्वं च परिहरेत् । (*Ibid.*, p. 240.)

3. ब्राह्मणमपेयमभक्ष्यं वा सङ्ग्रासयत उत्तमो दण्डः । (*Ibid.*, p. 231)

4. ब्राह्मण्यामगुप्तायां (अभिचरतः) क्षत्रियस्योत्तमः, सर्वस्वं वैश्यस्य, शूद्रः कटाग्निना दह्येत । (कौ. अ. शा., p. 234)

5. स्वधर्मः स्वर्गायानन्त्याय च । तस्यातिक्रमे लोकस्सकरादुच्छिद्येत ॥ तस्मात् स्वधर्मं भूतानां राजा न व्यभिचारयेत् । स्वधर्मं सदधानो हि प्रेत्य चेह च नन्दति ॥ व्यवस्थितार्यमर्यादः कृतवर्णाश्रमस्थितिः । त्रय्या हि रक्षितो लोकः प्रसीदति न सीदति ॥ (कौ. अ. शा., p 8.)

6. तस्माद्धर्मं पुरस्कृत्य यतेतार्थाय भूपतिः ।
धर्मेण वर्धते राज्यं तस्य स्वादफलं श्रियः ॥
(कामन्दकीय नीतिसार, १,१८)

7. न जात्या न कुलेनैव श्रेष्ठत्वं प्रतिपद्यते ।
विवाहे भोजने नित्यं कुलजातिविवेचनम् ॥
(शुक्रनीतिसार, २,८७)

government that Śukra advocates for guilds is just what smṛtis grant when they allow such bodies to be judged by their own by-laws. Śukra's declaration that castes are innumerable owing to caste admixture is only a generalization from such miscegenation as is specified at great length by Manu (X, 6-56). Manu describes the ways in which each mixed caste arose, and determines the duties for each such caste, those of the most general ethical character alone being appropriate to castes springing from *pratiloma* unions.

In a zealous advocacy of the higher value of *Arthaśāstra*, it is forgotten that like *Dharmaśāstra* it is also part of the accepted canon. Śaunaka classes *Arthaśāstra* as an *upa-veda* of Atharva Veda.[1] Āpastamba upholds this view. He adds that it is part of knowledge open to women and to Śūdras, to whom Vedic learning is closed. To such persons the epics and *purāṇas* are the substitutes for the Veda. Kauṭilya harmonizes the two views by bringing *Arthaśāstra* as well as *Dharmaśāstra* under the epics (*itihāsa*),[2] which he declares to be the fifth Veda. Lakṣmīdhara regards Arthaśāstra as one of the eighteen *Vidyās*, which are enumerated in the Purāṇas, of which fourteen are those with *a-dṛṣṭa-phala* and the other four (Āyurveda, Dhanurveda, Gāndharva-veda and *Arthaśāstra,*) are of *dṛṣṭa-phala,* and are authoritative.[3]

To postulate a hostility between the two śāstras is foreign to the spirit of the Hindu canon. A basic belief of Hinduism is that in the triple aim of existence (*trivarga*)—duty (*Dharma*) well-being (*Artha*) and pleasure (*Kāma*). Writers on *Arthaśāstra* and on *Kāmaśāstra* declare that the pursuit of their special aim is lawful only when it does not run against Dharma. The precepts of *Artha* and *Kāma* are governed by Dharma, and are valid only when they harmonize with it. The division of life into *āśramas* shows the stage at which each may be lawfully and advantageously pursued. It is only in the life of the householder (*gṛhastha*)—in the second *āśrama* that *Artha* and *Kāma* have validity. The other orders are mendicant āśramas and ban *Kāma.* The pursuit of well-being and pleasure is lawful and proper, only when regulated by *Dharma.* This is why the spiritual guide of the king, the *purohita,* is required to be eminent in both Dharma

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1. तत्र वेदानामुपवेदाश्चत्वारो भवन्ति । ऋग्वेदस्य आयुर्वेदोपवेदः, यजुर्वेदस्य धनुर्वेदोपवेदः, सामवेदस्य गान्धर्ववेदोऽथर्ववेदस्यार्थशास्त्रम् ।

(चरणव्यूहम् ४)

2. अथर्ववेदेतिहासवेदौ च वेदाः (कौ. अ. शा, p. 7).

3. ब्रह्मचारिकाण्ड, p. 22.

and *Arthaśāstra,* as well as *Jyotiṣa* (Astrology).[1] The position, which is well-recognized in Indian literature, has to be made clear today owing to the misapprehensions that have been created. The differences are due to both the mode of approach to the fundamental problems of life, which are the same for both, as well as difference of emphasis for immediate as contrasted with ultimate ends. They differed also in the circles for which they were intended. *Dharmaśāstra* was designed for the guidance of all; while *Arthaśāstra* was intended for the guidance of those who lived a wordly life, and did so within the limits laid down by Dharma. The craving for material well-being and the satisfaction of emotions is natural, and its satisfaction is not condemned by Dharma or religion. Such gratification or satisfaction should, however, be governed by the higher ends of life. *Kāma* and *Artha* are only proximate ends, while *Mokṣa* (as will be developed in the next lecture) is the highest as well as the ultimate end of existence. The accepted Indian view of the relative values of the ends is correctly stated by the *Mahābhārata* (XII, 165, 8): 'the wise declare the highest end is Liberation (*Moksa*), the middle is Well-being (*Artha*) and the lowest Pleasure (*Kāma*)'. All the three are said to spring from Dharma.[2] In ringing words the author of the great Epic has asked why *Artha* is not pursued when both it and *Kāma* are derived from *Dharma*.[3] The chief exponents of the two wordly sciences—Kautilya and Vātsyāyana, endorse this view, though they insist that for a king, who has to regulate the ordinary life of man, *Artha* is the immediate and important aim. While every one among the intellectual may accept *Mokṣa* as the real and only aim of existence, even they cannot be converted to a life of asceticism and to a contempt for economic and emotional satisfactions. The subordination of the lower aims to the higher must be part of the discipline of life.

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1. पुरोहितं उदितोदितकुलशीलं षडङ्गवेदे दैवे निमित्ते दण्डनीत्यां चाभिविनीत आपदां दैवमानुषीणामथर्वभिरुपायैः प्रतिकर्तारं कुर्वीत । तमाचार्यं शिष्यः पितरं पुत्रो भृत्यः स्वामिनमिव चानुवर्तेत । (कौ. अ. शा, p. 15.)

2. धर्मो राजन् गुणः श्रेष्ठो मध्यमो ह्यर्थ उच्यते ।
कामो यवीयानिति च प्रवदन्ति मनीषिणः ॥
(शान्तिपर्व, १६७, ८)

3. ऊर्ध्वबाहुर्विरौम्येष न कश्चित् शृणोति मे ।
धर्मादर्थश्च कामश्च स किमर्थं न सेव्यते ॥
न जातु कामान्न भयान्न लोभाद्धर्मं त्यजेज्जी
जीवितस्यापि हेतोः । नित्यो धर्मः, सुखदुःखे त्वनित्ये जीवो नित्यो हेतुरस्य त्वनित्यः ॥
(स्वर्गारोहणपर्व, ७,८७–८६)

The planning of life must not miss its aim. To every science, Dharma is the common denominator regulating action. Expediency must give way to the morally right (*Dharma*). It is to be noted that Indian tradition ascribes a divine origin not only to *Dharmaśāstra*, as represented by *Manusmṛti* but to *Arthaśāstra* and *Kāmaśāstra* the first works in both having been promulgated by or under the inspiration of the Supreme Being. The ultimate source and sanction of all three are the Vedas (*śruti*). For all three the end of the human incarnation is the same. Both individual welfare, in the highest sense, as well as that of the world (*loka-saṁgraha*) require conformity to Dharma, and to the discharge by every one of his appointed duty (*svadharma*) as determined by his birth and station. This is why Kauṭilya lays down: "The king should permit no neglect by living beings of their appropriate duty (*svadharma*). Society (*lokaḥ*) prospers and does not decay only when it upholds the conduct of Āryas (*vyavasthita-ārya-maryādaḥ*), stabilizes the (established) order of caste and stage of life (*kṛta-varṇāśrama-stitiḥ*) and finds refuge in the Vedās (*traiyā hi rakṣitaḥ*)[1]." In everyday life it may be possible to take a lower standard but that is not permissible when it conflicts with Dharma. This is why Kauṭilya has himself laid down that when there is a discord between the art of ordinary life (*vyāvahārikam śāstram*) and *Dharmaśāstra*, the rule of *Artha* (which is usually followed) should be construed in harmony with the rule of Dharma[2]. An enjoined duty admits of no argument; it *must* be done. Conduct laid down by *Arthaśāstra* is justified by manifest advantages, (*dṛṣṭa-phala*) and feasibility. There can be differences of opinion in regard to it. Everything in a smṛti is not based on *adṛṣṭa-phala*. There is a large *Artha* core in most smṛtis. In fact, a considerable portion of *Rājanīti* and *Daṇḍanīti* in *Manusmṛti*, for example, is *Artha* in character. This is frankly recognized by the commentators. The same imperative character does not attach to such parts as to the rest on *śruti-pramāṇa* or on *adṛṣṭa-phala*. But, as a *Dharmaśāstra* is not, at the same time an *Ārthaśāstra*, Vijñāneśvarā correctly interprets the rule in *Yājñavalkyasmṛti* (II, 21)[3] on the superiority of *Dharma-*

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1. व्यवस्थितार्यमर्यादः कृतवर्णाश्रमस्थितिः ।
त्रय्या हि रक्षितो लोकः प्रसीदति न सीदति ॥ (कौ.अ., शा. p. 8.)

2. संस्थया धर्मशास्त्रेण शास्त्रं वा व्यावहारिकम् ।
यस्मिन्नर्थे विरुध्येत धर्मेणार्थं विनिश्चयेत् ॥ (कौ. अ. शा, p. 150)

3. अर्थशास्त्रात्तु बलवद्धर्मशास्त्रमिति स्थितिः ।
(याज्ञवल्क्यस्मृति, २,२७)

śāstra to *Arthaśāstra*—as an enunciation of not a mere obvious proposition but of the non-mandatory character of *Artha* rules in a smṛti, when they conflict with *Dharma* dicta[1]. The illustration of the seeming conflict between rules of the two kinds that may be found in a smṛti that has been given by Vijñāneśvara—namely the permission to kill a Brāhmaṇa assailant and the prohibition of the slaying of a Brāhmaṇa implied in the dictum that there is no expiation for the offence (*brahmahatyā*) may be supplemented by many others. Some of the statements that are found in smrtis and are regarded as mere "glorificatory exaggerations" (*arthavāda*), which are not to be taken at their face value, come under the *Artha* category. There is for instance the dictum that a father *must* give his daughter in marriage, and the other rule which makes marriage for a girl obligatory, being a sacrament. As against this, there is the declaration of *Manusmṛti* that a nubile girl may remain unmarried all her life (*āmaraṇāt tiṣṭet*) in the parental home rather than be married to a man devoid of merit (*guṇahīna*)[2]. The first two are *Dharma* rules and are obligatory; they have *adṛṣṭaphala*; the last has *dṛṣṭaphala*, a rule of practical wisdom, which is arguable, and thērefore an *Artha* precept. A parent will not stand excused if he does not get his daughter married, merely on the ground that he could not get a bridegroom whom he considers altogether satisfactory; but, the dictum enforces the parental duty not to give away a daughter, without careful enquiry into the character and

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1. धर्मशास्त्रानुसारेणेत्यनेनैव औशनसाद्यर्थशास्त्रस्य निरस्तत्वात् धर्मशास्त्रान्तर्गतमेव राजनीतिलक्षणमर्थशास्त्रमिह विवक्षितम् । अर्थशास्त्रधर्मशास्त्रस्मृत्योर्विरोधे अर्थशास्त्रात् धर्मशास्त्र बलवदिति 'स्थितिः' मर्यादा । यद्यपि समानकर्तृकतया अर्थशास्त्रधर्मशास्त्रयोः स्वरूपगतो विशेषो नास्ति तथापि प्रमेयस्य धर्मस्य प्राधान्यादर्थस्याप्राधान्याद्धर्मशास्त्र बलवदित्यभिप्रायः । तस्माद्धर्मशास्त्रार्थशास्त्रयोः विरोधे अर्थशास्त्रस्य बाध एव, न विषयव्यवस्था नापि विकल्पः ॥ (मिताक्षरा)

2 काममा मरणात्तिष्ठेत् गृहे कन्यर्तुमत्यपि ।
न चैवेनां प्रयच्छेत्तु गुणहीनाय कर्हिचत् ॥ (९,८९)

This is construed by modern writers as making marriage optional for women, and as permitting them to remain spinsters for life. See *e.g.* A. S. Altekar, *Position of Women in Hindu Civilization*, 1938, pp. 64-65. Varadarāja (*Vyavahāranirṇaya*, p. 389) correctly points out that the verse is an *arthavāda* (devise for emphasizing) on the preceding śloka (IX, 88) which lays on a parent the duty to bestow his daughter in marriage on an excellent and good-looking suitor of equal caste, in accordance with the prescribed law, though she may not have attained the proper age:

उत्कृष्टायाभिरूपाय वराय सदृशाय च ।
अप्राप्तामपि तां तस्मै कन्यां दद्याद्यथाविधि ॥

antecedents of the suitor. The common aim of bringing about the enforcement of *varṇāśrama-dharma* through a competent authority, unites both *śāstras* in upholding the state and *Rājadharma*. Both deal with the king's duties, general and specific, but *Arthaśāstra* does it with greater fulness, as it takes the view-points of feasibility and expediency and of the advantage of the community than of an individual's duty.

The question of differentiation between the two *śāstras* has to be viewed from another angle. A fundamental postulate of criticism of a work is internal consistency. In a closely reasoned scientific statement there will ordinarily be no room for inconsistent statements from the same source. Scholiasts in India act upon this hypothesis in dealing with cardinal works. The principle becomes obvious when a work or works claim direct or indirect inspiration from divinity. It will be absurd to postulate inconsistent statements of the Omniscient. If two statements, both of which claim the same divine source, appear to be inconsistent, the rule of Mīmāmsa is that the conflict is only apparent and can be resolved by research, and that if it seems to evade investigation, an option (*vikalpa*) is afforded. This rule will apply not only to internal consistency in statements from the same inspired work, but it will apply equally to different works all of which claim a divine or inspired source. As both *Arthaśāstra* and *Dharmaśāstra* claim canonical origin, and are classed under *Śruti*, it is not permissible to postulate any *real* and insoluble conflict between the two. "The hypothesis of divine origin invests both with the qualities of universality, consistency and permanence."[1] I have elsewhere dealt with the results of the application of this principle to both *śāstras* to bring about a harmony in their findings and points of reconciliation, the causes that led to the presence of an increasing *Artha* core in smṛtis, and the gradual supersession of *Artha-śāstra* by *Dharmaśāstra*[2]. It was the new era which witnessed this change that saw the exaltation of *Manusmṛti* and made it the ambition of Hindu kings to live up to it. The scope of *Arthaśāstra* was narrowed down to embrace only maxims of polity, or *Nītiśāstra*. Kāmandaka (who has been identified by Dr. Jayaswal with Srīkarasvāmin, the minister of Candragupta II) describes his own work as "churned from the ocean of Arthaśāstra (*arthaśāstra-mahodadhi*)," and a comparison of it with the *Kauṭilīya* will show how the chapters on law and administration as well as economics, which are the most parts of the older work now most valued have been

1. See *Rājadharma*. 1938, pp. 13-14.
2. *Ibid.*, p. 14.

dropped in Kāmandaka's recast. Though *Arthaśāstra* has canonical sanction, its chief exponents were not sages like the authors of *Dharmaśāstra* but distinguished men of affairs. This is why it is not cited in *dharma-nibandhas* by purists like Lakṣmīdhara.[1] To them even Kauṭilya would have been an *ādhunika* (one of recent times). It may be noted, in passing, that citations from the extent *Manusmṛti* are found in Kāmandaka's *Nītisāra*.

The discussion of the alleged "secularism" of *Arthaśāstra* may now be closed by a consideration of the place of secular elements or sides in Hindu thought and life. It will be noticed on a careful review of both that the distinction between "secular" and "religious" is alien to Indian tradition; even the familiar distinction between *laukika* (what pertains to the worldly life) and *vaidika* will be found to be more popular than *śāstraic*. The *Veda* is eternal and uncreated. The sages, whose names are associated with particular hymns, are not believed to be the *authors* of the hymns, but as those who "saw" them intuitively; they were literally "seers." The Veda is the basis of all knowledge. *Veda* and *Vidyā* are derived from the same root, '*vid*,' 'to know.' All relevant knowledge is comprised either in the Vedas, the Upa-Vedas and the Vedāṅgas, or in knowledge derived from or based on them. *Śāstra* is derived both from "*śas*" 'to command' or from "*śās*" 'to teach'. In the former etymology, *śāstra* will mean knowledge that the Veda has 'commanded,' in the latter it will mean a co-ordinated body of knowledge that can be 'taught," *i.e*,, a 'science.' We find the expression *veda-śāstra* used in the sense of Vedic metaphysics. In the Indian conception of the matter, the distinction between 'physical' and 'super'- or 'metaphysical' has no place. To import the terms into ancient Indian thought would be to put into it concepts which are incompatible with its fundamental hypotheses. Similarly, we have no word in Sanskrit for "religion." "*Mata*" is "view" and "*Āryamata*" the sum total of Aryan belief. In English-Sanskrit dictionaries, the words '*religion*' and 'religious', are rendered by compound expressions of which the first qualifying part is *dharma*, or *bhakti*, which mean 'duty' and 'faith'.[2] The power of knowledge has been held in such regard that the highest knowledge, *parā vidyā*, is that of the Supreme Wisdom. Knowledge is held to be so potent that it has been deemed unwise to scatter it, so that he may pick it who chooses to do so. The secrets of nature are not to be broadcast but to be imparted with safeguards,

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1. Nīlakaṇṭha cites *Kāmandakīya Nītisāra* in his *Nītimayūkha*.
2. Cf. Mulgaokar's *English-Sanskrit Dictionary*, 1936, p. 563.

in close intimacy between teacher and learner. The word *Upaniṣad* describes an attitude of the learner in which the wisdom of the Vedas was conveyed to the pupil by the teacher. The description of the ceremony of initiation of the young *dvija* into *Sāvitrī* is by the term *upanayana*, 'leading.' In the *ritual* of initiation a curtain is drawn round teacher and pupil, and the words of power are *whispered* by the *guru* to the *acolyte*. There is thus, in Indian tradition, the distinction between exoteric and esoteric or secret knowledge. The best in wisdom is *guḥya, rahasya*, 'hidden', secret.[1] It is conveyed orally and not by books. The gifts of books to *maṭhas*, which late *smṛtis* recommend, are for the creation of reference libraries in days when learning had decayed and memory was not what it had been. Mādhavācārya cites a verse [2] attributed to Nārada which condemns (because it will not convey debating competence) knowledge acquired from books, and not orally. Reliance on books was not inappropriately compared to laziness and sleepiness, among six obstacles to learning.[3] Oral instruction and transmission had two advantages: It ensured grasp of the subject, as the teacher would not proceed till the pupil was perfect in comprehension and retention of what had been taught; and it safeguarded knowledge by preventing its communication to unfit persons, or those lacking a sense of moral responsibility. A famous and ancient verse, which is cited by Yāska, mentions how knowledge (*Vidyā*) approached the Creator and made this petition: "Save me from being communicated (*mā brūyā*) to the man of envy, untruth, idleness, for I am your trust, and must retain my power."[4] Āpastamba excludes from initiation (*upanayana*) the person given to wicked pursuits (*duṣṭa-karmā*).[5]

Certain results, which flowed from this distinction between secret and open doctrine and knowledge, must be noted for a proper appreciation of some aspects of our ancient literature, which have been missed by

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1. *Bhagavadgītā*, IX, 1-2 :
इदं तु ते गुह्यतमं प्रवक्ष्याम्यनसूयवे । ज्ञानं विज्ञानसहितं यज्ज्ञात्वा मोक्ष्यसेऽशुभात् ॥ राजविद्या-राजगुह्यं पवित्रमिदमुत्तमम् । प्रत्यक्षावगमं धर्म्यं सुसुखं कर्तुमव्ययम् ॥ Also *Ibid.*, IV, 3, रहस्यमेतदुत्तमम् ।

2. पुस्तकप्रत्ययाधीतं नाधीतं गुरुसन्निधौ । भ्राजते न सभामध्ये जारगर्भ इव स्त्रियाः ॥ (पराशरमाधवीय, Bom. Sansk. Series., I, i, p. 154)

3. द्यूतं पुस्तकशुश्रूषा नाटकासक्तिरेव च । स्त्रियः तन्द्री च निद्रा च विद्याविघ्नकराणि षट् ॥ (नारदबचनं स्मृतिचन्द्रिकायाम्, 9, I, p. 52., ed., Mysore.)

4. विद्या ह वै ब्राह्मणमाजगाम गोपाय मां शेवधिष्टेऽहमस्मि ; असूयकायानृजवेयताय न मां ब्रूया वीर्यवती तथा स्याम् ॥ (निरुक्त, २,८,१)

5. अशूद्राणामदुष्टकर्मणामुपायनम् (आपस्तम्बगृह्यसूत्र, १,१,५.)

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most writers, and which are responsible for several wrong conclusions. In the old Indian system of education the pupil had to live, during the period of education, with his teacher or *guru*. It was *gurukula-vāsa*. Till he had mastered *all* that his teacher could impart to him, he lived there. The normal period was twelve years, for the education to be over. The ceremonial lustration (*snāna*) which, with the permission of the preceptor, marked the end of the period of learning under the first *guru*, was equal to graduation. The 'accomplished student' was termed *snātaka* and received many marks of recognition and honour. Manu (IV, 31) lays down that householders "must wOrship by gifts of food, sacred to gods and manes, those who have become *snātakas* after studying the Veda, or after completing their vows have become householders and *śrotriyas*." Like a king or a venerated relation or a son-in-law, the *snātaka* is to be received with *madhuparka* (III, 119).[1] Way must be made for a *snātaka* (II, 138-139) as for the king, and if the *snātaka* and the king meet, the latter must make way for the former. It is a regal dereliction of duty if a *snātaka* perishes of hunger. It was an honour to be classed with a *snātaka* and nine such persons (among them a student of the Veda) are named by Manu (XI, 1-2) to whom gifts *must* be made in proportion to their learning. Ordinarily one did not change his *guru*, except after becoming a *gṛhastha*, or after becoming a *snātaka* and engaging in what would now be termed "post-graduate studies." The teacher was paid nothing for his teaching and the food, which was collected by the pupils by begging from suitable households.

Oral instruction under the roof of a teacher implied two things: all necessary knowledge was imparted by one and the same teacher; secondly, devices had to be made for oral instruction and retaining what was taught in the memory. Each teacher had therefore to be a store-house of all the knowledge of the day. This is the reason, as I have explained elsewhere, for the rise of self-contained schools, which bore the names of the founders, whose disciples bearing still his name carried on the work, and continued the tradition and teaching.[2] This feature will explain the baffling attribution of works on different subjects like astronomy, *Dharmaśāstra*, grammar, chemistry (*rasāyana*) to a school bearing a common name. Thirty years ago, I pointed out that we have to postulate the existence of schools which gave instruction in a circle of sciences and arts, and did not

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1. वेदविद्याव्रतस्नातान् श्रोत्रियान् गृहमेधिनः ।
   पूजयेद्धव्यकव्येन विपरीतांश्च वर्जयेत् ॥ (४,३१)
2. See *Ancient Indian Polity*, 2nd ed., 1935, p. 131.

restrict themselves to single subjects. Affinity will be commoner in social sciences, and schools which dealt directly with those branches of knowledge which treated of the four *puruṣārthas* or atleast with *trivarga*. Each school might develop individual features in detail or doctrine, while maintaining common features with other schools. The competition of teachers must have contributed to the progress of knowledge, and the system of transmission to its spread. Even in subjects traced back to revelation, points of difference might arise, and even more easily differences of emphasis due to differences of valuation. It will become necessary to compose manuals in aphoristic prose (*sūtra*), which will fulfil the dual purpose of keeping lecturers and learners on tracks (like modern syllabuses) and also indicate adjustment of values. They were indispensable aids to teaching and transmission of knowledge, from generation to generation. Thus arose *sūtra* books, first in Brāhmanic literature, and then by imitation in Buddhist. Max Müller, whose special field was Vedic literature, noted that each Vedic *caraṇa* or school had its own compendium or *kalpasūtra,* in which sacrificial, domestic and semi-public duties and rites were dealt with. Only two or three complete specimens of *kalpasūtra* have come down. The old theory that every school had its complete *kalpasūtra,* consisting of *Śrauta, Gṛhya* and *Dharma sūtras* is not now accepted. There are *sūtras* which stand alone *e.g.* Gautama and Vasiṣṭha Dharmasūtras. The point is of some importance because by applying the principle universally, missing sections have been predicated to extant *sūtra* works. *Manusmṛti* has been regarded as a version of, a lost *Mānava-dharmasūtra.*[1] We have a *Mānava Gṛhyasūtra,* which has been edited twice. Some parallels between it and *Manusmṛti* have been pointed out by Bradke, but they are few and inconclusive. The *Gṛhyasūtra* of the Mānavas contains matter not found in *Manusmṛti.* It deals with *Vināyakaśānti* (like *Yājñavalkyasmṛti*) and tests for selecting a bride (which correspond to *Āśvalāyana Gṛhyasūtra,* 1, 5, 5-6) but the topics are not found in *Manusmṛti.* MM. P. V. Kane has given a number of instances, in which the doctrines of the *Gṛhyasūtra* and the *Smṛti* differ. Most scholars now share today his scepticism of the existence of a *Mānavadharmasūtra,* which was the original of *Manusmṛti.*[2]

The utility of a *sūtra* book lay in its compactness and easy retention in the memory. A properly constructed *sūtra* book will string

1. G. Bühler has argued elaborately that a *Mānava-dharmasūtra* once existed. See the Introduction to his *Laws of Manu* passim.

2. P. V. Kane, *History of Dharmaśāstra.* Vol. I (1930), pp. 79-85.

together the *sūtràs* in an order which will make them interdependent and render repetition of words unnecessary. The aphorisms served as guides to memory during recitations. In the case of the Vedic literature public recitation of the *sūtras* must have been a practice. The Buddhists adopted it and the convocations of the *Saṁgha* were occasions in which such public recitations took place, in order that by such recital the accuracy of the canon might be tested and guarded. The chief value, from the standpoint of those who wished to keep the knowledge contained in a *sūtra* book *within* the school, lay in its unintelligibility without the oral interpretation of the teachers, which itself was transmitted traditionally from generation to generation. In later times, such explanations were reduced to writing, from the prodigious memory of students who could repeat entire lectures without error. Extant commentaries on *sūtras*, in all branches of knowledge, are largely based on such oral expositions of the cryptic original aphorisms. Variations between commentators reflect more often the traditional variations that grew up in the process of oral transmission of the aphorisms and comments than the differences in the personal opinion of commentators themselves. The developed literature of every *śāstra* will reveal the existence of a multiplicity of aphoristic works and their oral commentaries. In course of time, it will become necessary to standardize the teaching in the *śāstra*, and the teachers who undertook the task will compose *sūtra* works in which differences of ancient opinion will be noted. Unless, as in the case of the aphorisms of Pāṇini,[1] extra-ordinary skill is shown in condensation and stringing up aphorisms, there is a tendency for *sūtra* books to become diffuse. Loose prose passages are not easy to memorize. Verse, in the familiar śloka form, furnishes a mechanical rhythm that enables the words to stick to the memory. It is also possible to make a śloka more intelligible than a prose aphorism of a very condensed character. The śloka thus becomes a rival of the *sūtra* for recording teaching and replaces it gradually.

The theory of Max Muller that originally *all* śāstraic works were in *sūtra* form and that the works in śloka form came later is now discredited Yāska cites a śloka of a smṛti; it shows that smṛtis in śloka form existed even in his day.[1] In the most ancient *sūtra* works we find ślokas. The mixture of *sūtra* and śloka in the same book is not uncommon. We find the mixture not only in comparatively late works of the *sūtra* class of smṛti like those of Viṣṇu and Vasiṣṭha, but we

1. *circa* 650 B. C. Dr. S. K. Belvalkar will place him about B.C. 750, *Systems of Sanṣkrit Grammar*, 1915, p. 7.

find it in the earliest also. Indian tradition gives a hoary antiquity to the śloka, making its discovery occur in a moment of intense emotion, as a divine accident, that befell the author of the *Rāmāyaṇa*.[1] We may reject the story, but find in it the belief, now seen to rest on credible evidence, of the great antiquity of the use of the śloka.

A feature of the *sūtra* books is that from the space assigned to a topic it is not just to estimate the importance assigned to it by the author or founder of the school to which the *sūtra* work belongs. A correct estimate is possible only when the *entire* oral exposition is available. If any interruption occurs in the oral transmission of doctrine, it may lead to wider diversity of opinion among those who reconstruct the views of the school from a book. He who composed a *sūtra* work—and many *ādhunikas* attempted to do so—ran this risk of being misinterpreted by later commentators. That the risk was real and grave is seen from the precaution which a famous *sūtra* writer is said to have taken to guard against the misinterpretation of his own views by composing himself the commentary on the *sūtras*. This was done by Kauṭilya, according to a verse which appears at the end of his *Arthaśāstra*. "Having observed the discordant views attributed to the same author by commentators on his *sūtras*, Viṣṇugupta (*i.e.* Kauṭilya) himself composed both the *sūtras* and the commentary.[2]" It is immaterial if this verse is by a disciple and not (as is equally probable) by Kauṭilya himself. It states what must have been a well-known fact. Dr. T. Ganapati Sastri held the first chapter of the extant book—the *prakaraṇādhikaraṇa-samuddeśa* to contain the *sūtras*: every chapter heading is a *sūtra*. The title given to the first chapter —"the list of chapters and sub-sections."—is not found at the end of the chapter; it is not part of the book. Each section is headed by a *sūtra*, which now serves as a chapter or section heading.

An alternative form of composition to the combinatiou of *sūtra* and *bhāṣya*, as in the *Kauṭilīya*, by the author himself—which dispenses with the need of *vārttikas* [as in the case of the *darśanas* (philosophy) and *vyākaraṇa* (grammar) aphorisms] is that of a verse-compendium, which gives a comprehensive exposition of the views of a writer or school. Such works are known as *saṁhitas*. *Manusmṛti* is often referred to as *Manusaṁhitā*. Elaboration and intelligibility (springing from comprehensiveness) are the features of a *samhitā*. A *samhitā* will not need much

1. *Bālakāṇda*, 2, 15-20.

2. दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भाष्यकाराणाम् ।
स्वयमेव विष्णुगुप्तश्चकार सूत्रं च भाष्यं च ॥ (कौ. अ. शा. p. 429).

explanation, at any rate on the scale of a commentary on a *sūtra* work. But, in spite of the care lavished in the composition of a *saṁhitā*, it may present apparent contradictions and obscurities, springing in some instances from brevity of treatment. This has happened in *Manusmṛti*. The smṛti, which passes by the name of Bṛhaspati, is not simply based on Manu's work; it is, as recognized by scholars, virtually a *vārttika* on the older smṛti. In many cases Bṛhaspati is obviously explaining, illustrating or elaborating the laconic statements of *Manusmṛti*. He has done for Manu's work what Patañjali claims to have done for Pāṇini's: *viz.* removed misunderstandings or strictures passed on it by explanations, illustrations and resolutions of apparent contradictions. The reconstruction that I have attempted[1] of Bṛhaspati's lost smṛti is still a torso ; but it is already nearly as large as *Manusmṛti*. The study of the two smṛtis side by side will prove a useful corrective to a disposition to see inconsistency and contradiction in ancient works. I may have to refer later on to specific instances of supposed contradictions in the text of Manu, which are held to prove that it passed through the hands of several editors or redactors.[2] But, it may be stated now that critics, who fasten on instances of apparent conflict in statement or doctrine in an ancient Indian work, which has been held to be divinely inspired, very often overlook probabilities. Indian scholars and commentators do not betray either lack of acumen or independence in discovering flaws in the works they deal with. *If* they do, their readers and critics will not overlook *their* failure. Carelessness will not be attributed to a divine being, and if instances of apparent slips occur in a work that claims divine authorship or inspiration, it will be treated by our writers either as proof of the unauthenticity of the work or of the unreality of the contradiction. A feature of ancient India was the wandering scholar, as in mediaeval Europe, who travelled from place to place displaying his erudition and critical powers before assemblies or kings and challenging everywhere scholars of repute settled there. The discussions would develop acute critical powers and result in many exposures of wrong interpretations, citations or inferences. Real defects will seldom escape the vigilance of

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1. *Bṛhaspatismṛti* (Reconstructed), Gaekwad's Oriental Series, Vol. LXXXV, 1941.

2. Buhler laboured under this belief, and tried to discriminate (Introduction to his *Laws of Manu*, pp. lxvi-lxxii,) between supposed older and later parts of *Manusmṛti*. He held that it had undergone several revisions (*Ibid.*, pp. xcii-cviii).

such public contests, in which an original work that is cited is construed to establish its internal consistency as well as the validity of its doctrine. A work will not escape in ancient India sharp criticism of obvious defects and their exposure merely because it claims divine inspiration. MM. P. V. Kane (following Buhler) cites six instances of conflicting statements in *Manusmṛti*, and I venture to affirm that in *every one* of them a reconciliation is possible.[1]

One of the subjects which has exercised the minds of modern students of *Dharmaśāstra* is the difference in subjects dealt with in different smṛtis and difference in stress on certain topics, as reflected by the space given to them in the books. Conclusions as to relative chronological position or the evolution of doctrines have been hastily drawn from such differences between smṛti and smṛti. If a topic is omitted in a *sūtra* work, is it conclusive evidence to show that the topic was unknown in the epoch or to the author, or that the author deliberately omitted it as unimportant ? It is a matter of daily experience to those who give oral expositions of sciences that they vary the stress or expand or contract treatment of specific topics, according to the nature of their audience—its capacity, bias or mental equipment. If the discourses are reproduced *verbatim* every year, variations will be seen in the relative position given to topics and the stress laid on them. Will it be valid to infer from these a constant change in the stand, or in the opinions of the lecturer? The point *is* relevant. In the earlier *Dharmasūtras* the treatment of law and politics is meagre or scrappy. This feature is generally attributed to the following causes. The authors were Brāhmaṇas concerned more with ritual and penance than with politics or law; or they left these topics to be learnt from *Arthaśāstra* ; and the 'other-worldly' outlook of the authors and their disciples was reflected in a becoming contempt for civil institutions. Such explanations overlook some features of the schools, the purpose of the works and the *milieu* in which they were composed. In the Indian view, as will be elaborated later on, to distinguish between the matters that appertain to this brief life and to the lives to come is both a delusion and a snare. With the exception of the atheist (*nāstika*) the derider of Vedic philosophy (*vedanindaka*), the heretic (*pāṣaṇḍa*), and the materialist (*Lokāyata*), who are anathema to smṛtis which treat them as social outlaws, every one else in society shared this belief. If the omitted topics were to be learnt from *Arthaśāstra*, why should they be mentioned at all ? Was it not the aim of the teacher to give a complete education to the student, so that on the termination of his education

1. '*History of Dharmaśāstra*', I, pp. 148-149.

England with its legal system, and the idea behind the fundamental changes was Benthamism. We have travelled far from Dicey's position. Our search for 'fundamental principles' may drive us—not to the dominant ideas of the 19th century Europe—but further back to ancient systems like those of India. The errors of writers like Maine are due not merely to the sense of superiority, which was a common failing among English writers of his day when they dealt with alien or ancient cultures and systems, but to inadequate perception of the lines of jural development, in the infancy of historical study of jurisprudence in their days. It is also not improbable that the translation of the title *Manusmṛti* or *Mānavadharmaśāstra* as '*code* of Manu,' suggested that it should, as a *code*, possess features of modern codes like the *Code Napoleon*. When Maine's later studies extended to primitive systems he was not slow to discover that there were resemblances between the Indian *smṛti* and the Hebrew 'law books', in the detailed rules laid down for all situations in life from birth to death. This is the declared purpose of Dharmaśāstra; only it goes beyond birth itself to prenatal ceremonies beginning with the rites of conception. In a more correct view, its work ends only with the indication of the ways of securing 'release' (*mokṣa*), and it is in this sense that a *nibandha* like the *Kalpataru* has understood its scope.

There remains one more criticism of *Dharmaśāstra* which has derived great publicity from Maine's enunciation of it in his vivid phraseology. The description of the chief work of the class—as an *idealized* picture of what a selfish priestcraft desired to see established as the world-order—has been seized upon for discrediting both the work and its class. A student of law wants laws for study ; the laws which were actually administered, *not* the laws of Utopia ! The criticism may be dealt with in two parts. First, is an *ideal* unworthy of study even in jurisprudence ? Next, how far did ideals and realities tally in the Hindu systems of law and polity?

To take the first point first. Men with a desire to be known as practical minded persons did not like to be described as idealists. Idealism suggests the visionary. They prefer men who have their feet firmly planted on the earth ! An idealist had to confront a hostile environment. The days are changed. Half the discredit of ideals came from the circumstance that they were not tested in practice. The scope for social experimentation with ideals seemed once so small. It is now otherwise. We have seen, in the field of politics and social reconstruction, ideals translated into facts. The strength of an ideal lies in the belief it inspires and its power of reflecting correctly human experience as well as human needs. He who knows where he has to

go, and the route he has to take, gets to his destination quicker than he who merely drifts along. We are in the age of plans, and have seen the end of *Laisser Faire*. The 'plan' is to the modern administrator what the compass and the chart are to the mariner. To implement plans we need more than knowledge ; there must be a driving force behind it. "One person with a belief is equal," said J. S. Mill, "to ninety-nine persons with only interests." In the field of legal reform, we now look more forward than backward—to ideals than to tradition. Those who were formerly afraid of even small changes now support large plans as the more effective ; the bigger, the wider the reach in space and time, the greater certainty of success and permanence! In this view, there must be utility in the study of a smṛti, which expounds or enjoins social planning on a scale so wide that it is not for a long period of time but for *all* time (*sanātana*), and to bring within its ambit not *one* nation but the entire world. The principles of social construction underlying *varṇāśrama-dharma*, as expounded by smṛtis, may have uses in plans for reconstruction even to-day, as I pointed out elsewhere some years ago, though it is the part of the old system that has come in for most criticism in modern times. In that sense, a study of the social and political systems of Manu will have its uses, even if they are regarded as having in them an element of unreality—of unrealized idealism.

But, as a matter of history, it cannot be denied that smṛtis had as much influence in guiding the lives of men and women in India, and still in a large measure have, as if they emanated as laws from the state. The sanction—the power of imposing penalties—of the State is not always necessary to make *laws* of rules of conduct accepted by a community, or at least by the bulk of those who lead them. We have instances of 'laws' behind which there is no State as originator or sustainer ; and in which breaches of such 'laws' are visited by public opinion with a power of implementation not inferior to that of a State.[1] We have out-distanced, in the light of comparative and historical jurisprudence, the Austinian conception of law. But, even in the Austinian sense, *Dharmaśāstra* can be said to have attained the rank of a law book in ancient and mediæval India. The responsibility of an Indian king was personal, and it extended to *all* that befell the people over whom he ruled. As a corollary, it implied supervision of the lives of the people and ensuring their conforming to established usages or rules. In this sense, the specific duty of the king (*Rājadharma*) came to coincide

1. J. Bryce, *Studies in History and Jurisprudence.* Vol. I. (Primitive Iceland) Vol. I, p. 334.

with a knowledge of the duties of *all* in the kingdom. *Sarve dharmāḥ rājadhārme pratiṣṭhāḥ* (all duties are implicit in the duties of the king).[1] It became a matter of pride for rulers to excel in maintaining *Dharma* and to describe themselves as such. In the case of kings who were not of *kṣatriya* lineage, or of 'Aryan' birth, the desire to excel in enforcing Dharma was even keener than in those whose titles were faultless. In the place of a multitude of *smṛtis*, we have had under royal patronage, or in the expectation of royal patronage, digests of *Dharma-śāstra*, which resolve the seeming contradictions in smṛtis, fill up the blanks in one smṛti from what is given in others, and present a coherent picture of the *Dharma*, which the people might follow and kings enforce. When such digests or commentaries which are virtually digests (like the *Mitākṣarā*), were composed under regal direction, and were upheld in the states in which they were first composed, and afterwards in others, can they be denied the title of laws even in the Austinian sense ? Among kings who have promulgated *nibandhas* of *Dharma*, composed by themselves, we have Bhoja, Aparārka and Pratāparudradeva. Among writers of *nibandhas* commissioned by kings we have Lakṣmīdhara—the author of the *Kṛtya-Kalpataru*, the most complete digest of *Dharma*, and the oldest now extant, Vijñāneśvara, Mādhavācārya, Hemādri, Caṇḍeśvara and Vācaspati. The need to follow the old law, which was accepted by the people and followed by them (even under foreign rule), is behind the *nibandhas* of the sixteenth and seventeenth centuries, and it is significant that in the case of *three* of them—those composed in the name of Todarmal and under orders of Warren Hastings and T. E. Colebrooke—(by Jagannātha Tarkapañcānana)—we have proof of the validity of smṛtis even when India was ruled by foreigners who differed from the foreign conquerors of earlier times, in not adopting the religion of India or accepting its culture and ideals. The desire to excel in enforcing smṛti rules is shown in South India, which has always had a population less influenced by *Aryan* elements than the rest of India, and in which a modern school loudly demands the replacement of *Aryan* features by *Dravidian*. One of the oldest classics of Tamil literature, the author of which (Tiru-vaḷḷuvar) bears a name suggesting his low *varṇa*, reflects a mastery of *Manusmṛti* and a reasoned loyalty to *Manusmṛti*. The most famous of South Indian dynasties (the Cola) claims descent, like the kings of Ayodhya, from Manu himself, and a title which Tamil kings have delighted to bear is 'the king who does

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1. *Sāntiparva.*

not swerve from the Laws of Manu' (*Manu-neri-tavarāda-mannan*). It will recall Kālidāsa's description of Dilīpa as one who did not swerve even by a line from the path blazed out by Manu.[1]

We are seeing in modern Russia not only the power of ideals to create and transform social institutions but to reclaim and raise, in the cultural scale, millions of backward races or peoples. We have forgotten that the same work had been done silently and slowly in India itself in the past, when under the wide wings of *Dharma* room was found for measures for the uplift of communities and for their cultural and spiritual elevation. One instance of the zeal with which backward peoples or tribes took advantage of the scope that the social system outlined in *Manusmṛti* and works of the class of which it has been the outstanding representative, is seen in the desire to drop their own group customs and usages and adopt those prescribed for the *varṇas* in such *personal* matters as marriage and inheritance. The rules of *Manusmṛti* and of *Dharmaśāstra* generally were not imposed on those who did not come under thc *cātur-varṇa*, and considerable freedom was given to tribal, family and sub-caste usages, particularly to those who were not within the regular *varṇa* scheme. The ' Aryanization', or what its modern detractors term the 'Brahmanization' of such peoples has been done, *not* by fiat of the State or by dictation of a hierarchy, but by acquiescence of those who realized that the scheme of the smṛtis presented the best means for their social, spiritual and cultural uplift. No higher tribute to the genius or inherent power in *Dharmaśāstra* is possible. History knows of the raising of the human levels of submerged populations by a higher type of religion. The silent transformation effected by the influence of Hindu Dharma is not as easily recognized, because it is also due to the feature, which has often been condemned as inherent in it, namely the basing of law and polity firmly on the foundations of morality, religion and philosophy.

1. *Raghuvaṁśa*, I, 17 :—
रेखामात्रमपि क्षुण्णादामनोर्वर्त्मनः परम् ।
न व्यतीयुः प्रजास्तस्य नियन्तुर्नेमिवृत्तयः ॥

LECTURE II

SOME PROBLEMS OF MANUSMRTI

Manusmṛti has had a position of pre-eminence not only in *Dharmaśāstra* but even in the literature of Hindu speculation. Alone among the smṛtis, its dicta have been cited as authority in the literature of Indian philosophy. The designation of the class of which it is the most illustrious work, *viz.*, smṛti, is given in Indian philosophical literature—contrary to Manu's own definition of *śruti* and *smṛti*,—to even the ancient depositories of tradition like the Purāṇas.[1] One of the attractions of the Great Epic, for which its semi-divine author (Vyāsa) made the claim—" all that *is* is in this work, and all that is not in it is not",—is that it has been regarded as a *Dharmaśāstra*. To-day, the parts of the *Mahābhārata* which are most frequently read or cited are, after the *Bhagavadgītā*, not the attractive narrative sections or the sublime and simple poetical interludes, or the homilies, but those, which like the smṛtis deal with the duties (*dharma*) of all, in the sense of *Rājadharma*. What the *Mahābhārata* holds up by express precept and description, by parable and story, by homily and narrative, as regards the duties of men,—which *Dharmaśāstra*, deals with—is done by way of concrete illustration in the older epic, the *Rāmāyaṇa*. For conduct and behaviour that rise to the highest levels of *Dharma*, we look to the practice of Śrī Rāma and of those who saw in his physical and moral perfection the warrant of manifest Divinity. The points in the story on which even to-day its commentators and readers are most exercised are those in which practice (as depicted in the poem)—for example the suicide of the saintly Śabarī[2], the slaying of Tāṭakā,[3] the honour shown to the *niṣāda* Guha,[4] the instruction to Sumantra to give Daśaratha an explanation that was not true[5], the performance of funeral rites for

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1. Rāmānuja (*Śrībhāṣya*, I, i, 1) describes his citations from the *Bhagavadgītā* as from *smṛti* but seems to differentiate between *smṛti* and *purāṇa*. Śaṁkara, following *Brahmasūtra*, IV, ii, 21, describes *sāṁkhya* and *yoga smṛtis*, and cites *Bhagavadgītā*, VIII, 24-28 as from a *smṛti* (see Thibaut's *Vedānta Sūtras*, Vol. II, p. 381).

2. *Rāmāyana Āraṇyakāṇḍa*, LXXIV, 33.

3. *Ibid., Bālakāṇḍa*, XXVI, 26.

4. *Ibid, Ayodhyākāṇḍa*, L. 33 ff.

5. *Ibid.*, XL, 46-47.

Jaṭāyu,[1] the salutation of a *ksatriya* by Hanumān disguised as a *bhikṣu*,[2] ambushing Vāli,[3] and Sītā's denial of knowing the identity of Hanumān[4]—seem to conflict with the ethical injunctions in smṛti. The accounts given of *srauta śrāddha*, and domestic rites in the *Rāmayaṇa* tally with those in extant *gṛhya* and *śrauta* works, and it is against probabilities to suppose that they were interpolated from the latter. It demonstrates only the antiquity of the ritual.

The influence which *Manusmrti* has had on the lives and ideals of Hindu India for centuries can well be compared in regard to its extent and thoroughness to that of Confucius in China. But the Chinese sage was a historical person, and the teachings attributed to him are probably those which actually emanated from one who was raised above his contemporaries by his superior wisdom and moral elevation. The 'author' of *Manusmṛti*, if Manu can be so called, in spite of the tradition recorded in the smṛti itself,[5] is a semi-divine being about whom conflicting traditions had sprung up even in remote antiquity. Modern students of comparative religions and laws have pointed out a resemblance, which is more than merely phonal, between Menes, Manu and Moses, as the traditional lawgivers of three ancient peoples. A modern student of *Manusmṛti*, who has made a comparative study of the land-laws and the trade regulations of Manu and of the ancient Sumerians, has suggested that the source of the latter lay in the former ; and he is for putting back the work of Manu or at least the substance of it, to the third millennium B. C. The discoveries at Mohenja-daro and Hārapa have disclosed the existence in so early an epoch, which is usually held to have preceded by a long interval the 'invasions' of the Aryans, of a type of culture which shows considerable advance in agriculture and trade, and in legal ideas connected therewith. This is only an illustration of the manner in which the intense study of the smṛti reacts on some minds. Scholars who are facile in finding the sequential relations of legal works from the 'advanced' or 'primitive,' character of the jural ideas found in them, would be puzzled to explain some features of *Manusmṛti*, which disclose ideas more modern in substantive and adjective law, and especially in criminal law, than those found in advanced modern communities. A lawyer who has made a careful study of the works named after Manu and

1. *Ibid.*, *Āraṇyakāṇḍa*, LXVIII, 22-31.
2. *Ibid.*, *Kiṣkindākāṇda*, II, 2-3.
3. *Ibid.*, XVI, 37; XVII, 14-52 (Vāli's indictment of Śrī Rāma).
4. *Ibid.*, *Sundarakāṇda*, XLII, 8-10.
5. *Manusmṛti* I, 58-61, 102, 119; V, 1-3; XII, 2, 126.

Yājñavalkya has pointed out how in some respects these ancient books have anticipated recent developments in law, and have been found good enough to guide modern judges in laws other than personal, in which of course it would be natural to seek for light in ancient smṛtis, even after the personal laws of the Hindus have been changed out of recognition by judicial decisions".[1] Normally a legal treatise will reflect the ideas of the time in which it appears. This will be true of at least a great part of it ; for, it may contain ideas of a bygone age, which appear as survivals; or it may be in advance of the times. The second feature is unlikely in a work that aims at wide influence.

In any attempt to appreciate the teachings of *Manusmṛti* a correct understanding of its background—religious, economic, political and social—is a pre-requisite. But certain questions relating to the authorship of the *Manusmrti*, its age and antiquity, causes of its widespread reception, authenticity and homogeneity demand a prior consideration.

Manu in literature and tradition ; Vedic tradition.

The name *Manu* goes back to the *Ṛg Veda*. He is the hero who is the father of the race of man, 'Father Manu', after whom men are known as *manavāḥ*. One tradition represents him as the son of the Āditya Vivasvat (hence his title *Vaivasvata*), and another as the son of the Self-existent Supreme Being (hence his title *Svāyambhuva*). He is called also *Sāvarṇī* because he was born to *Vivasvat* by a female of his own *varṇa* (*savarṇā*). In the *Taittirīya Samhita* (III, 2, 8, 1; IV, 1, 9, 1), he is invoked in sacrifices as a *Prajāpati* ('Lord of Creatures', i.e., creator of living beings).[2] In the *Maitrāyaṇa Brāhmaṇopaniṣad* (V, 1) he is identified with the Supreme Self, *Brahman*. These are his aspects as a divine being. On the human side he appears as a *ṛṣi* (*Ṛg Veda*, I, 80,16,1. I,12,16),[3] or as the hero-king of the great flood in which the human race was destroyed, leaving him as the only survivor, and who *recreated* through *Iḍā* (who sprang from his sacrifice) the human race, or as a father who divided his property between his sons in his own lifetime[4] (*Tait. Sam.* III, 1, 9, 4) and as a man following the prescribed customs (*Śata. Br.* I, 8, 1). He is referred to as a king, the father of king Purūravas by Iḍā, the father also of a king named Śaryāta and of king Ikṣvāku (the ancestor of the famous Solar dynasty of Ayodhyā),

1. K. P. Jayaswal, *Manu and Yājñavalkya*, 1930, *passim*.
2. प्रजापतये मनवे स्वाहा (तैत्तिरीयसंहिता, ३, २, ८, १, ; ४, १, ९, १.)
3. यामथर्वा मनुष्पिता दध्यङ् धियमत्नत (ऋग्वेदसंहिता, १, ८०, १६;)
   याभिः पुरा मनवे गातुमीषथुः (ib. १,११२,१६)
4. मनुः पुत्रेभ्यो दायं व्यभजत् (तै. सं., सं., १, ९, ४)

and as anointed as king by Prajāpati himself. He is said to have introduced the fire-sacrifices and *śrāddhas.* He is credited with the 'discovery' of several Vedic hymns. The designation of *Śrāddha-deva* applied to Manu in the *Mahābhārata* (XII, 121, 29) is reminiscent of the legend. The *Chāndogya Upaniṣad* states that its last section was first revealed to Kaśyapa Prajāpati by Brahmā (Hiraṇyagarbha), who communicated it to Manu, who broadcast it to mankind. In the *Bhagavadgītā* the Lord (*Bhagavān*) states that the *yoga* was first communicated by him to Vivasvat, who communicated it to Manu, who passed it on to Ikṣvāku, from whom 'royal sages' derived it in succession from generation to generation (IV, 1-4)[1] till knowledge of it became lost to men. The oft-repeated Vedic dictum—'Whatever Manu has spoken is medicine'[2]—implies that Manu was the author of many injunctions or rules of conduct whose beneficial effects are testified to in the statement. That his practice created a precedent to be followed is signified in the passage in *Taittirīya Saṁhitā* (III, 1, 9, 4), which declares that he divided his property between his sons, or the ślōka in the *Nirukta* (III, 4) which affirms that "according to the sacred law, inheritance goes without distinction to sons and daughters, as declared by Manu Svāyambhuva at the beginning of creation."[3] That the rule here ascribed to Manu is not only not found in *Manusmṛti* but is opposed to its rules of inheritance, is irrelevant, as the point in the statement is that Manu was believed to be an authority on the law. In the citations of the very words of Manu in *Dharmasūtras,* in regard to mutually contradictory doctrines as well as to doctrines for which there is no parallel in *Manusmṛti,* we have to see (as Bühler pointed out)[4] the beliefs in laws originally laid down by Manu and the indisputability of any dictum or practice

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1. इमं विवस्वते योगं प्रोक्तवानहमव्ययम् ।
विवस्वान्मनवे प्राह मनुरिक्ष्वाकवेऽब्रवीत्॥ (भगवद्गीता, ४, १); also *Ibid.*, IV, 2.

2. यद्वै किंच मनुरब्रवीत् तद्भेषजम् (तै. सं., २, २, १०, २);
मनुर्वै यत्किंचिदवदत्तद्भेषजमृतायै (ताण्ड्यब्राह्मणं, २३, १६, १७)
यः कश्चित्कस्यचिद्धर्मो मनुना परिकीर्तितः ।
स सर्वोऽभिहितो वेदे सर्वज्ञानमयो हि सः ॥ (२,८)

3. आविशेषेण मिथुनाः पुत्रा दायद इति । तदेतदृक्—श्लोकाभ्यामभ्युक्तम् । "अङ्गात्संभवसि हृदयादधिजायते । आत्मा वै पुत्र नामासि स जीव शरदः शतम् ॥" इति ।
"अविशेषेण पुत्राणा दायो भवति धर्मतः ।
मिथुनानां विसर्गादौ मनुः स्वायंभुवोऽब्रवीत्" ॥
(निरुक्तम्, ३,४=p. 251. Ed. Bhadamkar).

4. Bühler, *Laws of Manu*, p. LXIII.

that could claim his authority. This is the spirit in which the very words of Manu (*'Manurabravīt'*) are cited in Dharmasūtras. The Vedic legend of Manu's invention of *śrāddha* is explicitly stated thus in Āpastamba: "Formerly men and gods lived together in this world. Then the gods in reward for their sacrifices went to heaven, but men were left behind. Those men who perform sacrifices in the same manner as the gods dwell (after death) with the gods and Brahma in heaven. Now, seeing men left behind, Manu revealed this ceremony, which is designated by the word *śrāddha*."[1] Gautama (XXI, 7) cites a rule that is found in *Manusmṛti* (XI, 194-92, 104-105).[2] The Vedic text of the equal division of his property between his sons by Manu is mentioned by both Āpastamba (II, 14, 11) and Baudhāyana (II, 3, 2). The authority of Manu is apparently relied on by Baudhāyana for the sin of the father who keeps his daughter unmarried after she attains puberty (VI, 1, 13).[3] Vasiṣṭha has several citations from or references to Manu. The legend of Manu's revealing the *śrāddha* may be compared to the declaration of Manu in *Manusmṛti* that the ten sages, whom he created (I, 37), created in their turn the manes (*pitaraḥ*) for whom *śrāddhas* are intended.

Manu and the Mahābhārata.

The close affinity between the Great Epic and *Manusmṛti* makes the occurrence in it of the name of Manu of special significance. Twenty-four citations from Manu occur in it. Of these, sixteen simply refer to a Manu, without any descriptive epithet ; one refers to an opinion of Manu Prācetasa in his 'account of the duties of kings' (*rājadharmeṣu*) ; seven are ascribed to Manu Svāyambhuva, and they relate to ordinary smṛti topics. The Epic makes Manu Vaivasvata, the hero of the Deluge. He is said, in another legend in the Epic, to have been given by the Creator a sword which contained Dharma within it (*dharma-garbha*). He was to protect all creatures

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1. सहदेवमनुष्या अस्मिल्लोके पुरा बभूवुः । अथ देवाः कर्मभिर्दिवं जग्मुरहीयन्त मनुष्याः । तेषु ये कर्माण्यारभन्ते सह देवैर्ब्रह्मणा चामुष्मिन् लोके भवन्ति । अथैतन्मनुः श्राद्धशब्दं कर्म प्रोवाच । प्रजानिश्रेयस च ॥ (आपस्तम्बधर्मसूत्र, २,१६,१)

2. त्रीणि प्रथमान्यनिर्देश्यानि मनुः (गौतमधर्मसूत्र, २१,८.)

The reference is to the three first *mahāpātakas*, as defined in *Manusmṛti*, IX, 235 and XI, 56.

3. त्रीणि वर्षाण्यृतुमतीं यः कन्यां न प्रयच्छति ।
स तुल्यं भ्रूणहत्यायै दोषमृच्छत्यसंशयम् ॥ (४,१,१३)

Compare *Manusmṛti*, IX, 90-91.

with this sword. As Manu is a king, his receiving this sword is a symbol of his being vested with the power of punishment, and it recalls the similar legend (*i e.* of the creation by Brahma of *Daṇḍa* or Punishment) and of the king being made to wield his rod (*daṇḍa-dhara*). The *Bhagavadgītā* refers to the 'four Manus' (*catvāro Manavaḥ*). The Purāṇas develop the lists of Manus and make them out to be fourteen in all, each of whom is 'regent' of a vast time-cycle (*manvantara*). Of them six have already ruled, with seven more yet to come before the *kalpa* is finished. Of these, the *Svāyambhuva* is the first, and *Vaivasvata*, the regent of our time, is the seventh. The six are descendants of the first Manu (*Śvāyambhuva*) and are named respectively Svarociṣa, Auttama, Tāmasa, Raivata, Cākṣuṣa and Vaivasvata (I, 61-63). Svāyambhuva claims (I, 33) to have been created by Virāṭ and to have himself created ten sages (Marīci, Atri, Angiras, Pulastya, Kratu, Pracetas, Vasiṣṭha, Bhṛgu and Nārada) who, in turn, created seven (?) other Manus (I, 36). It will be noted that *Prācatesa* Manu, whose dicta on *rājadharma* are quoted in the *Mahābhārata*, is not in the list of seven or fourteen Manus, but among the ten sages, who created the Manus, but a Manu created by him would be *Prācetasa* Manu. In the account of the Creation given briefly in *Manusmṛti* (I, 1-110), and more fully in the *Purāṇas*, vast time-cycles of the duration of many billions of human years are mentioned, for each of which a Manu is creator and guardian. He not only creates all animals, plants, etc., but makes regulations for them. "Manu Svāyambhuva composed the institutes of sacred law that pass by his name in order to settle clearly the duties of the Brāhmaṇa and those of other castes." (I, 102). [1]The *varṇadharmas* are therefore held to rest ultimately on divine sanction, and their institution is also the work of Divinity. The task of Svāyambhuva Manu was to declare the duties laid down by the Supreme Being. The ultimate sanction for the *dharma* outlined in *Manusmṛti* is thus held to rest on God, who is also (according to the *Puruṣasūkta* and its paraphrase in *Manusmṛti*, I, 87) the author of the *varṇas*, each *varṇa* having been born from a part of his divine person.[2] For each cosmic period or *manvantara*, the Manu of the epoch is the expounder rather than originator of the system of the Universe and its regulations.

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1. तस्य कर्मविवेकार्थं शेषाणामनुपूर्वशः ।
स्वायंभुवो मनुर्धीमानिदं शास्त्रमकल्पयत् ॥ (१,१०२)

2. सर्वस्यास्य तु सर्गस्य गुप्त्यर्थं स महाद्युतिः ।
मुखबाहूरुपज्जानां पृथक् कर्माण्यकल्पयत् ॥ (१,८६)

Immortality is postulated in the *Purāṇas* for all the Manus, and the original sages who were created by Svāyambhuva Manu. It makes them the eternal custodians of tradition and the appointed regulators of laws. "The knowers and doers of *Dharma*, well-instructed and distinguished beyond others, who remained behind at the end of the previous *manvantara* and now stay on in the world cycle, in order to maintain unbroken this chain of worlds, kingdoms and races, and to preserve the ancient *dharma* from falling into decay and ruin, by constantly instructing the newly created in their duties—these are the Manus and the seven sages. Out of his memory of past ages, our Manu declared the *Dharmaśāstra* suited for the present cycle."[1] The Manus of past *manvantaras* do not pass away, and the Manus of the future are already born and await the time for their assumption of regentship. The word 'Manu' is therefore, as has been pointed out by Medhātithi, the name of an office rather than of a person. An unbroken tradition is maintained by the succession of Manus, and the chief function of a Manu is to keep it up. The work of the first Manu continues in that of the seventh, Vaivasvata, who governs the current *manvantara*. This is why *Manusmṛti* claims to be revealed by the original Manu of this *kalpa*, even though it is intended for those under the sway of his seventh successor. To support the infallibility of the original Manu, whose dicta are held to be contained in the present smṛti, he is referred to as omniscient (II, 7), as identical with Agni, Indra, Vāyu and the Eternal Brahman, (XII, 125) and as a king who gained sovereignty by righteousness. The ultimate source of all knowledge and all rules is the Veda (VII, 42). All that Manu says must be regarded as contained in the Veda. Bṛhaspati declares that pre-eminence is due to Manu's work on *dharma* because it is filled with the Veda, and any smṛti opposed to the sense of Manu is not esteemed.[3]

The Idea of Progress.

In the tradition thus recorded, it is explained that each *kalpa* repeats what happened in a previous *kalpa*, and there is continuity in tradition between *manvantara* and *manvantara*. What we crudely call 'creation' is in the Hindu view but the systole and diastole of the

1. मत्स्यपुराण, अ. १४५
2. सर्वज्ञानमयो हि सः (२,७)
3. वेदार्थप्रतिबद्धत्वात् प्रामाण्यं तु मनोः स्मृतम् ।
मन्वर्थविपरीता तु या स्मृतिः सा न शस्यते ॥
(बृहस्पतिस्मृतिः, G.O.S. LXXXV, संस्कार, १३)

Universe, its evolution and involution, coming up after a *mahā-pralaya* and proceeding to another such dissolution. Within a *manvantara* we have vast cycles of time known as *yugas*, which form a quartette of tapering lengths of years for each of the four and of diminishing virtue. The first is the Golden Age and the last the Iron Age, 'the age of Kali.' We are now in it. The regulations that are made are providentially devised to suit the conditions of each age. Men were not only more virtuous in the earlier ages than in the later, but they were more long-lived. Their powers of overcoming the drag of sin were greater. The rules that are suited to one age may be unsuited to others. This is picturesquely stated in the dictum that for each age there is force in one *predominating* moral quality or action, *viz.*, austerity (*tapas*) in the first age, divine knowledge (*jñāna*) in the second, sacrifices (*yajña*) in the third and charitable gifts (*dāna*) in the last. The implication is not that one alone has to be practised in an age, but that all are prescribed for all time, the one indicated for a particular age having more power in overcoming the defects of men in that epoch. In western countries the Golden Age was put in the remote past. In Hindu belief the Golden Age is both in the past and in the future, because the Age of Iron must, in the unending cycle of ages, be succeeded by the Golden Age. Another implication of the *yuga* theory is that duties are adjustable to circumstances. They are not to be changed by human volition. Different modes and morals are divinely indicated for each period. Diminishing power makes it impracticable for the degenerate men of a later age to bear the moral strain of the earlier. Hence many rules that are found in smṛtis even now are to be rejected on the ground that they refer to another age (*yugāntara-viṣayam*). The permission or duty to slay a manifest assassin, even if he is a Brāhmaṇa, which we find in the same smṛtis which prescribe Brāhāmaṇa immunity from capital sentence, is dismissed as suited not to the present age but to a former.[1] The theory of 'age-contraction' (*yuga-hrāsa*) implies not merely a diminishing length for each *yuga* but a corresponding diminution, in longevity, strength and stamina for those who live in it. In course of time, this doctrine (of which the germs are found in *Manusmṛti*) was developed by later smṛtis and commentators into a long list of nearly fifty-five forbidden usages of Kaliyuga (*Kalivarjya*). The first digest in which the enunciation and enumeration occur is the *Smṛtyarthasāra* of Śrīdhara (c. 1200 A.D.) but the ideas are in the *germ* even in the *Mahā-*

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1. See my paper on "*Ātatāyivadha* or the Right of Private Defence in Dharmaśāstra" in the *Kunhan Raja Presentation Volume*, 1946, pp. 196-232.

bhārata and *Manusmṛti*. The idea is that increasing weakness, physical and spiritual, demands relaxation of rules in favour of those who live in the later ages. The recommendation of gifts (*dāna*) and faith (*bhakti*), in preference to *yajña* (sacrifice) and *prāyaścitta* (expiatory penance or rite), the adoption of the principle of substitution (*pratinidhi*), by which in the absence of anything that is prescribed a substitute for it can be used instead (in a *kṛcchra* penance, for example, a money gift to the person who is supposed either to do the penance in the place of the donor or to take over the demerit for which the *kṛcchra* is indicated) and a recommendation to drop certain institutions or ceremonies on the ground that they are unsuited to the growing weakness of *Kaliyuga* (*kalivarjya*) are illustrations of the action of the principle. Under the principle, women and Śūdras (owing to their physical and spiritual weakness) are given lighter penances and easier means of attaining the same results as men of higher castes. We find it already in operation in the distinction between *dvija* (twice-born caste) and Śūdra and the literature open to each class. The famous rule of Manu (II, 24)[1] which permits a Śūdra to live anywhere (*i.e.*, in regions in which a *dvija* is not allowed to live) is an instance in point. So is the rule of Manu (X, 126)[2] that a Śūdra does not commit any offence entailing loss of caste, *e.g.*, by eating garlic, or drinking wine. The religious instruction that a *dvija* acquires painfully through a long period of studentship, the Śūdra can get by hearing recitations of the epics and *Purāṇas*. The śloka which indicates for each *yuga* a special *dharma-pravartaka*, which occurs in *Parāśarasmṛti*[3] and is ascribed by the *Ācāraratna* to Bṛhaspati ('in *Kṛtayuga* the duties to be followed are those laid down by Manu, in *Tretā-yuga* by Gautama, in *Dvāpara-yuga* by Śankha-Likhita and in the *Kaliyuga* by *Parāśara-smṛti*') is not a denial of the value of *all* smṛtis (including *Manusmṛti*) in *all* ages, but a recommendation of one specific *smṛti* for the *Kaliyuga*, *viz.*, that of Parāśara, who has laid down (I, 33) that the twice-born in every *yuga* only reflect the *dharma* standard of that age, and cannot be reproached for it.[4] The sacrifice of cows

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1. शूद्रस्तु यस्मिन् कस्मिन् वा निवसेद्वृत्तिकर्शितः । (२,२४)
2. न शूद्रे पातकं किंचिन्न च संस्कारमर्हति ।
   नास्याधिकारो धर्मेऽस्ति न धर्मप्रतिषेधनम् ॥ (१०,१२६)
3. कृते तु मानवा धर्मास्त्रेतायां गौतमाः स्मृताः ।
   द्वापरे शाङ्खलिखिताः कलौ पाराशराः स्मृताः ॥ (पराशरस्मृति, १,२५)
4. युगे युगे च ये धर्मास्तत्र तत्र च ये द्विजाः ।
   तेषां निन्दा न कर्तव्या युगरूपा हि ते द्विजाः ॥ (पराशर, १, ३३,)

and many dubious acts done in ages of the past, which now perplex us, are explained away by the principle that such acts did not bring misfortune to those who did them in the ages long past because of the 'power of their superior lustre' (*tejoviśeṣa*) which enabled them to overcome the bad effects. A married woman has many domestic duties which stand in the way of her performing numerous *vratas* (vows) involving starvation and other austerities. Parāśara (IV, 17) prohibits them for married women[1]. The Śūdra may clear himself of the effects of a sin by a mere gift, instead of doing the elaborate penances that are prescribed for *dvijas* (VI, 51).[2] The idea is different from that which lays on a king a personal duty to enforce *Dharma* on all his subjects. As he does it well or ill, his epoch becomes analogous to a Golden Age or the reverse, and it is signified by such expressions as the much misunderstood dictum of the *Mahābhārata* (XII, 69, 103)—*rājā kālasya kāraṇaṁ* (the king is the creator of the age) or of the *Śukranīti* (IV i. 90 ff)—*yugapravartako rājā* (the king starts the age).[3] Acting under the sanction allowed to the conventions of those learned in Dharma (*darmajñasamaya*), a number of ceremonies, which seem to be beyond the capacity of the men of our times, or practices that are abhorrent to our sense of right, (like the levirate or *niyoga*) are placed outside the duty enjoined for those in *Kaliyuga*. In *Manusmṛti*, *niyoga* is treated as an existing practice, and sons by the device are named and dealt with for inheritance, but the institution is explicitly condemned (IX, 64-68) for *dvijas*. Manu mentions that this '*paśu dharma*' ('morals of the farmyard') had been in vogue in the days of a bad king of the remote past,[4] in whose time the dread mongrelism (*varṇa*-

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1. पत्यौ जीवति या नारी उपोष्य व्रतमाचरेत् ।
आयुष्यं हरते भर्तुः सा नारी नरक व्रजेत् ॥ (*Ibid.*, ४,१८)
2. शूद्राणां नोपवासः स्यात् शूद्रो दानेन शुध्यति । (*Ibid.*, p. ६,५१)
3. *See* the Note on these dicta in my *Rājadharma*, pp. 102-104.
4. नान्यस्मिन् विधवा नारी नियोक्तव्या द्विजादिभिः ॥ (९,६४)
अयं द्विजैर्हि विद्वद्भिः पशुधर्मो विगर्हितः ।
मनुष्याणामपि प्रोक्तो वेने राज्यं प्रशासति ॥ (९,६६).,
स महीमखिलां भुञ्जन् राजर्षिप्रवरः पुरा ।
वर्णानां सङ्करं चक्रे कामोपहतचेतसः ॥
ततः प्रभृति यो मोहात् प्रमीतपतिकां स्त्रियम् ।
नियोजयत्यपत्यार्थं तं विगर्हन्ति साधवः ॥ (९,६७-६८)

saṁkara) became common. Bṛhaspati (p. 194) explains Manu's position in condemning the levirate, after mentioning its continuance, as due to the view that in the first two ages (*Kṛta* and *Tretā*) men were endowed with power springing from their austerity and learning, of which those of *Dvāpara* and *Kali* ages are lacking, resulting in lack of power to overcome consequences of the acts.[1]

Among modern writers there is a disposition to commend the rules of *Kalivarjya* on the score of their being progressive. The ancient attitude to them is fundamentally different from the modern. The practices, which (though upheld by smṛti) are treated as unsuited to our degenerate age, are also condemned but as wanting in authority. By the convention of the elect (*dharmajña-samaya*) they are considered as beyond the shrinking strength and stamina (physical and moral) of our times. *Every* one of the practices, whose discontinuance is urged under this rule of *Kalivarjya,* will not appeal to a social reformer. Thus, among the practices that are to be *dropped* are the remarriage of widows, intercaste *anuloma* marriages and sea voyages. Their rejection in the modern view, is not only unprogressive but reactionary. The rejected items are not on a par with other inhibited practices like human sacrifice, religious suicide, drinking of spirits, pious improvidence (*aśvastanika*) and needless asceticism. It is puzzling to see both humane and retrograde customs, rejected on the same principle in *Kalivarjya*!

The modern difficulty in appreciating the constituents of *Kalivarjya,* and in reconciling the progressive and reactionary elements in it, arises from lack of understanding of fundamental differences of outlook, leading to the adoption of altogether different scales of values. Like a modern thinker, the ancient Hindu aimed at the good of the world (*lokasaṁgraha*) and put a premium on unselfish, altruistic work. He attached equal importance to provision of charitable works of public utility (*pūrta*) as to ritual sacrifices (*iṣṭā*). In modern estimation, the aim of social advance is to secure the maximum of increase

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1. उक्तो नियोगो मनुना निषिद्धः स्वयमेव तु ।
युगह्रासादशक्योऽयं कर्तुं सर्वैर्विधानतः ॥
तपोज्ञानसमायुक्ताः कृते त्रेतायुगे नराः ।
द्वापरे च कलौ नृणां शक्तिहानिर्विनिर्मिता ॥
(बृहस्पति, व्यव., २५,१६–१७)

in wealth and the material objects of well-being, an increase in our knowledge of the secrets of nature and greater command over nature's forces, with wider application of science to war and industry. Our standards are material and largely external. The old Indian belief was different. The contrast between the East and the West comes out in many ways, even on a superficial comparison. Religion dominates all Indian ideas. While happiness (in a Hedonistic sense) is the Western criterion, duty is the Indian. In the Indian view man is a soul disguised in a body. The body perishes but the indweller, the 'self', survives eternally. What *is* 'good' is not what *seems* 'good' to the perishable, but is 'good' to the imperishable. Worldly prosperity is no index of man's advance. It is delusive, and is *āsurī*, demoniac, not *daivī*, divine. Indian thought thinks not in terms of countries, nations or peoples, but of the universe ; not of the short span of human life but of eternity. The only advance that is real and lasting is the spiritual, the 'ascent,' of the self. An advance in spirituality coupled with one in morals, is the real index of progress. The self (*ātman*) has a goal so remote in Time that it is invisible, and is gained by conquest of the trend to re-birth (and all that it implies) and the ultimate approach to and merger in the Supreme. Nothing that is thought, felt or done is lost ; all make a permanent impression, and their effects cling to the self through Time. The supreme purpose of those who enjoy a vision that is denied to ordinary folk is to indicate the ways in which the ultimate goal can be reached. Anything that makes his approach to the distant goal easier, quicker and more certain is what one should do; anything that retards it is what one must avoid. The catalogue of duties, which constitute *Dharmaśāstra*, is intended to help in the attainment of this end. The purpose of social organization, and the disciplined life of the *āśramas* have also the same aim. The appointed means are mainly disciplinary, and the inculcation of standards of value different from our present day scales. They take note of the strength and weakness of every person and appoint means suited to each. They are integrated to a complete philosophy, and the declaration of their derivation from a divine source is only an emphatic way of asserting their supreme necessity for the uplift of the self. *Dharmaśāstra* and *Darśanaśāstra* (philosophy) share this aim, and their prescriptions are the same, with stress on the superior validity of one or another means of grace. They agree in indicating the ways to the goal by the broad roads of *Yōga*, *Bhakti*, *Karma* and *Jnāna*. Leaving aside the precise definitions in the *darśanas*, the purpose of the four may be stated to be the training of the mind, the heart and activity, and their sublimation.

The methods of approach in smṛti and philosophy to the means of attainment of the end differ. A smṛti merely describes the modes and indicates the outlines of the processes or technique of each; the *darśana* expounds the principles and supports them by reference to reason as well as scriptural authority. When philosophical schemes were elaborated for study and differentiated from one another, antagonism, or atleast inherent rivalry, was postulated between them. This seemed obvious by the stressing of its own mode of realization by each *darśana*. It is otherwise in a smṛti. Its approach is synthetic and inclusive, with an emphasis naturally on *karma*, in the sense of both moral duty and enjoined rites, as they accord best with the concept of *Dharma* based on Vedic injunction. With the exception of the *Bhaktimārga*, we find the other three in *Manusmṛti*. Indian thought realizes that the self has a body, which is liable to weakness and temptation and needs to be trained. The appropriate training to enable it to reach its goal is behind the constitution and rules of every *varṇa* and every *āśrama*. Discipline is the common denominator of all the rules and the entire system of *varṇāśrama-dharma*. It is the universal regulator. Pleasure, if it is not coarse and does not retard the progress of the self, is permissible. Aimless asceticism is not the teaching of *Dharma*. Higher ends and means must prevail over lower. Acute study and knowledge of the relations between mind and body and between man and his environment, and of the physical bases of emotional, intellectual and spiritual life, are behind the meticulous regulation of such things as time for connubial intercourse, continence of man and woman, lawful and forbidden food and drink, clothing, the quantity and type of nourishment that is permissible to different persons, the modes of life for different persons according to their *adhikāra* (duty or function), the amusements that are lawful, and the detailed code of ethics and etiquette. In Indian belief a person's relations extend both vertically and horizontally, in space as well as in time. He is a link between ancestors and descendants. Man is midway between the sub-human and super-human worlds. There is belief in the inter-connection between action in one plane and in others. Such relationship has to be conceived as not of two, or even three dimensions but of many. Cosmic relationships defy human analysis. Their realization is either intuitive or empirical. What the sages have said is based on both. The wide scope given to the intuition of the erudite and the elect (not of the half-human or savage being) in the determination of *Dharma*—ranging from spiritual to civic duties—is due to the hypothesis of the reliability of the intuitions of such persons. Since the vehicles in which the self can march to the goal are the body and the mind, both have been

subjected to intensive study by the framers of the rules of *Dharma*. It is not only in the rules for the observation of the conduct of witnesses in an enquiry or in those for the determination of persons fit to be chosen as partners in marriage that we find proof of profound study, and of empiricism which has been translated into tradition. We find it also in a study of sex-behaviour, of the psychology of adolescence and of those who have reached the climacteric, and of the reaction of function on mental content and disposition. Details, which look wearisome, when crudely translated and superficially studied, will be found to be based on time-worn experience. In every detail or rule, there is only one aim : how to come nearer the attainment of the *summum bonum*, and how to conserve the spiritual strength, overcome weakness, and lift up the self. Whether in any specified condition or circumstance the path of activity (*pravṛtti*) or that of renunciation (*nivṛtti*) is the better, and whether one may be satisfied with being raised by good deeds or scrupulous attention to enjoined rites to the *bhoga-bhūmi* of the world of the gods, or should aim higher, are matters that come within the scope of *Dharmaśāstra*. It will be noticed that a *phala* (result) is specified for every act, good or bad, and for every omission of enjoined duty that is unexpiated. Their enumeration in a smṛti is wearisome to a modern reader. But for one who knows *Dharmaśāstra* and looks to it for guidance, they are of great significance. So are the catalogues of sins, and of the means of expiation of sins. In general, a sin springs either from an infringement of enjoined duty (*Dharma*) or the omission of a duty that is imposed on a person. The ways of overcoming sins are seven : by undergoing suffering, either as the natural consequence of the offence or otherwise, by undergoing civil penalties (since punishment purifies), by post-mortuary suffering in other worlds ('Hells'), by countervailing measures which create a stock of merit to balance the sins (as by charity, pilgrimage, penances, austerities, vows, *Manu*, XI, 236-240), by prayers and ritual, by penitence and public confession (*e.g.*, *Manusmṛti*, XI, 228-233) and above all by leading a life of virtue and unselfishness. There is the belief that in determining his future birth a man's actions in this life have a decisive influence. The recital of the forms which various offenders assume in the next incarnation, which is wearisome for us to read, is part of a smṛti; for, it was part of the wide-spread belief of the times.

The mistakes that are usually made by modern students of *Dharmaśāstra* are mainly two: they judge the ideas and belief of other days by those of their own ; they do not often appreciate the *rationale* behind injunctions or institutions that do not appeal

to them. There is also the temper of superiority or condescension which is difficult to overcome, and which makes a modern student miss the significance of what sympathetic understanding might reveal. These are sins against the historic spirit, often committed, like common sins, in the name of the virtues they transgress. The combined effect of these is not only insufficient understanding or inaccurate perception of the value and meaning of rules or institutions and their effects, but application of faulty methods of textual criticism.

Though a smṛti is not expected to prove a work of philosophy or theology, and expound a complete scheme of life, it must be based on the acceptance of one. It must have a metaphysical background. In Hindu belief, all wisdom and all knowledge are contained in the Veda. To challenge the omniscience of the Veda is impiety and exposes the doubter to the charge of heresy. No amount of doctrinal divergence will make a Hindu a heretic, if he does not deny this. If he does, he is a heretic (*veda-bāhya*, *veda-nindaka*), and an atheist (*nāstika*). The highest compliment that can be paid to any canonical work is to describe it as containing the cream of the Veda. The *purāṇas*, the epics and smṛtis claim to be so. The wisdom of the Veda is not to be gathered from a superficial understanding of its verbal meaning, though to know even that is better than learning the Veda only by rote. It is the proud claim of *Manusmṛti* (II, 7) that all the duties described by it are based on the Veda, for its 'author' Manu was omniscient (*sarvajñānamayo hi saḥ*). It is unnecessary to try to find a passage in the Veda for every statement in *Manusmṛti*. It is in the sense of the Veda as expanded in *itihāsa* and *purāṇa* that its source may be found. The two types of literature are among the springs of tradition and duty. They are the records of *cosmic* history, in a sense more profound than and different from our conception of world history. They deal with the rhythmic swing of the coming and going out of Being (*pravṛtti* and *nivṛtti*). Their concern is not merely with the story of short-lived generations of men, which pass away far too quickly, or with the genealogy and story of regal lines. Creation, dissolution and the ages of the world are not less, in fact more, their concern. History (limited to what it now is) is the story more of the bodies than of the souls of men. The body dies but the soul, the self, is immortal. Death is not extinction. To know the story of one cycle of time is to know all, because the repetition of the cycles stretches from infinity to infinity. Seen against the background of the story of cosmos, the struggles and the rise and fall of empires and dominions seem petty and futile. The great conquerors and kings have passed away. The author of the

Viṣṇupurāṇa repeats in ringing words the disappointment of the study of human or dynastic history, that it has retailed, and condemns it as the vanity of vanities.[1] What survive are not the body and perishable institutions, but the *puṇya* or *pāpā*, merit or sin, that result from action (*karma*) and that adhere to the self till it is absorbed. The most practical of studies will therefore be that which enables the self to transcend its obstacles and reach its goal. Among the ways discovered for realizing it is the pursuit of duty (*Dharma*). Intuition of it is enshrined in the Veda and cognate literature, from which Manu's work and others of the kind must, according to Hindu belief, be interpreted.

This is the reason why (without any trace of self-consciousness) *Manusmṛti* prescribes its own study for the teachers and custodians of knowledge and tradition, *viz.*, the Brāhmaṇas.[2] If the wisdom of the teacher, who by example and precept, by instruction and practice, guides the lives of those whom he is appointed to train, is ensured, then that of the community is safeguarded. He who learns the smṛti must be already erudite (*vidvān*). He must be a man of austere righteousness ;[3] for *ācāra* (conduct) is the transcendent law[4] (*ācārah paramo dharmah*) whether it is in harmony with what is enjoined by the Veda or the smṛti. The man who is soulful (*ātamavān*) should conform to the highest tradition in his own conduct, *i.e.*, adherence to principles. *Manusmṛti* is comprehensive, for in it has been stated "the good and bad qualities of human actions and the immemorial rules of conduct (*śāśvataḥ ācāraḥ*) to be followed by all the four *varṇas*" (I. 107).[5] It details the *svadharma* of every one. By daily study of it and by teaching it daily a learned Brāhmana will increase social welfare and his powers of understanding, earn fame, and attain longevity and ultimately supreme bliss (*niś-śreyasam param*). The student of *Manusmṛti* is further said to sanctify his

1. *Viṣṇupurāṇa*, IV, 24, 123-151. Dr. Jayaswal, "History of India, 150 to 350 A. D." p. 209, has cited with a free translation extracts from this eloquent passage.

2. विदुषा ब्राह्मणेनेदमध्येतव्यं प्रयत्नतः ।
शिष्येभ्यश्च प्रवक्तव्यं सम्यङ्मान्येन केनचित् ॥ (१,१०३)

3. इदं शास्त्रमधीयानो ब्राह्मणः शंसितव्रतः । (१,१०४)

4. आचारः परमो धर्मः श्रुत्युक्तः स्मार्त एव च ।
तस्मादस्मिन्सदा युक्तो नित्य स्यादात्मवान् द्विजः ॥ (१,१०८)

5. अस्मिन् धर्मोऽखिलेनोक्तो गुणदोषौ च कर्मणाम् ।
चतुर्णामपि वर्णानामाचारश्चैव शाश्वतः ॥ (१,१०७)

ancestors for seven generations and his descendants for seven generations.[1] "He alone merits the whole earth" (*pṛtvīm api so arhati,* I, 105). He who studies the work diligently and lives up to its injunctions is untainted by sin, from thought, word or deed (I, 104).[2] The daily recitation of the work will ensure virtuous conduct and the attainment of all one's wishes (XII, 126).[3] It is noteworthy that while the earlier statements are made of the *teacher*, who has to be a Brāhmaṇa (as the smṛti is like a Veda, which a Brāhmaṇa alone can *teach*), the fruits of daily recitation are promised to all the twice-born (*dvija*). The same destiny is held out to the diligent teacher of *Manusmṛti* as to the Brāhmaṇa who combines austerity and Vedic learning (XII, 104).[4] It is only those who know their own duties and the duties of others that are efficient wardens of society. It is in this sense, and not in that of upholding (as suggested by Dr. K.P. Jayaswal) the Śunga usurpation, which contravened the fundamental *varṇa-dharma* as well as the *sāmānya-dharma* laid down by himself, that Manu declared : ".Command of armies, royal authority, the office of judge and sovereignty of the whole world he only deserves who knows the Veda science (*vedaśāstravit* XII, 100).[5] The source of all *dharma* is the Veda, and he who has mastered the Veda, is a master of *Dharma* lore. As all *dvijas* are entitled to a knowledge of the Veda, and it is upto one of the second and third *varṇa* to attain (as King Janaka did) mastery of the Veda the glorificatory statement will apply equally to him. It is in essence only a magnification of *Dharma* and its revealed source.

Traditions of the origin of Manusmṛti.

The present text of *Manusmṛti* is divided into twelve books of unequal length, and comprises 2695 ślokas. It is the largest smṛti extant. It gives a short enumeration of its chief titles or topics at the

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1. पुनाति पङ्क्तिं वंश्यांश्च सप्त सप्त परावरान् ।
   पृथिवीमपि चैवेमां कृत्स्नामेकोऽपि सोऽर्हति ॥ (१,१०५)
2. मनोवाग्देहजैर्नित्यं कर्मदोषैर्न लिप्यते । (२,१०४)
3. इत्येतन्मानवं शास्त्रं भृगुप्रोक्तं पठन् द्विजः ।
   भवत्याचारवान्नित्यं यथेष्टां प्राप्नुयाद्गतिम् ॥ (१२,१२६)
4. तपो विद्या च विप्रस्य निःश्रेयसकरं परम् ।
   तपसा किल्बिषं हन्ति विद्ययाऽमृतमश्नुते ॥ (१२,१०४)
5. सेनापत्यं च राज्यं च दण्डनेतृत्वमेव च ।
   सर्वलोकाधिपत्यं च वेदशास्त्रविदर्हति ॥ (१२,१००)
   Jayaswal, *Manu and Yājñavalkya*, pp. 43-45.

end of the first book (I, 111-118), which tallies with the actual contents. This specification of contents was obviously intended to prevent the incorporation of other subjects. This practice is not unusual; for example the *Arthaśāstra* of Kauṭilya gives a *viṣaya-nirdeśa* at the commencement of the work. In later times, every *nibandha* (digest of *Dharmaśāstra*) followed the practice. The oldest extant commentary on the smṛti is that of Medhātithi, who lived probably in the 9th century A.D., about two centuries after Asahāya, whose commentary on *Manusmṛti* has not survived. Other commentaries on the smṛti seem to have existed in the days of Medhātithi, which are also lost (*e.g.*, Bhāguri, Bhartṛ-yajña) and the text seems to have been settled before their time. It is almost identical with that which later commentators followed, and which now passes as *Manusmṛti.* We have in the verses of Bṛhaspati a check on the doctrines of Manu, and the reconstructed Bṛhaspati [1] confirms the text of Manu which has come down to us. It has undoubtedly been deemed authentic for over fifteen centuries atleast. "No one can doubt for a moment that the extant *Manusmṛti* was an authoritative work in the seventh century."[2]

The work gives an account of its own derivation. Its contents were communicated by Brahma to Manu Svāyambhuva, the *first* Manu, who taught them to the ten sages who were appointed by him to create living beings (1, 35, 58). Manu had himself composed the *śāstra,* and when he was approached by the sages to declare the eternal laws, he commissioned his mind-born son and disciple Bhṛgu (one of the ten sages) to recite the laws to the other sages. It is therefore in the form of a monologue by Bhṛgu, occasionally interrupted by the sages, who ask for elucidation of some points (V, 1-3; XII, 1-2). The implication is that the substance of the original composition of Manu was conveyed by Bhṛgu practically in Manu's words. There are eighteen instances in which Bhṛgu cites the actual words of Manu, and they occur in seven out of the twelve books.[3] The subjects dealt with in these citations are not however of such importance or uniqueness as to demand the very words of Manu. The description of the quotations as the actual words of Manu has no special significance, except as implying that the rest of the work represents a paraphrase or

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1. G.O.S., Vol. LXXXV, 1941.

2. P. V. Kane, '*History of Dharmaśāstra*', Vol. I, p. 150.

3. III, 222; IV, 103; V, 41, 131; VI, 54; VIII, 124, 139, 168, 204, 242, 279, 292 and 339; IX, 158, 182, 239; and X, 63 and 78.

condensation of the original composition of Manu. Its authoritativeness is equal to that of the original, as it was recited in the presence of the semi-divine author. An invocatory śloka,[1] which is found in some editions of Manusmṛti, has led to the explanation that the text of the smṛti, as we now have it, is the reproduction of what was recited by a pupil of Bhṛgu, who must have been among those to whom the work was taught by that sage.

The significant points in the tradition, which rests on statements in the smṛti itself, are : firstly, it contains the *Dharma* laid down by the Supreme Being and taught to Manu Svāyambhuva in the beginning of this cosmic cycle (*kalpa*), billions of years ago ; secondly, its authenticity and authority are vouched for by the legend that it was recited in the presence of Manu himself, by a pupil deputed to recite it before sages who wished to get the revealed law from the fountain head ; and in its present form it represents the third or fourth version of the original divine dictation. Apart from Manu's own declaration that he had received the law from the Supreme Being (as a guide to his own regentship and that of future Manus), at the very beginning of things, the supreme authority that attaches to Manu's work is reflected in the Vedic statements commending all that Manu said, in the claim to omniscience made by Manu himself and in the dicta of Bṛhaspati and Angiras that no rules opposed to those of Manu have validity.

There is evidence in *Manusmṛti* itself which seems to go against the claim it makes to so remote an antiquity. There are references in it to the Vedas, Vedāngas, *Dharmaśāstra* ("Dharmaśāstra is śmṛti", II, 10), works on *Dharma* (*dharmaśāstraṇi*), *khila* of the Veda (*e.g.*, *Śrīśūkta*), histories (*ākhyāna*), the epics (*itihāsa*) and the *purāṇas*, which the performer of a *śrāddha* is asked to recite for the benefit of the manes (III, 235),[2] the experts in Mīmāmsa (*mīmāmsaka*), and etymology (*nairukta*) as well as he who can recite *Dharma-śāstra* (*dharma-pāṭaka*) and the logician (*hetuka*), who are among those required to constitute the *pariṣad* (XII, 111),[3] to the opinions

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1. स्वायंभुवे नमस्कृत्य ब्रह्मणेऽमिततेजसे ।
मनुप्रणीतान् विविधान् धर्मान् वक्ष्यामि शाश्वतान् ॥
2. स्वाध्याय श्रावयेत्पित्र्ये धर्मशास्त्राणि चैव हि ।
आख्यानानीतिहासांश्च पुराणानि खिलानि च ॥ (३,२३२)
3. त्रैविद्यो हेतुकस्तर्की नैरुक्तो धर्मपाठकः ।
त्रयश्चाश्रमिणः पूर्वे परिषत्स्याद्दशावरा ॥ (१२,१११)

of authorities on Dharma like Atri, Gautama (' son of Utathya'), Śaunaka and Bhṛgu, as to when a Brāhmaṇa who marries a Śūdra woman becomes an outcaste (*III. 16*),[1] *to* the teachings of Vikhanas (who is said to have laid down the rules for hermits, (VI. 21)[2] and to the rate of interest fixed by Vasiṣṭha (VIII. 140), which is given in the extant smṛti of Vasiṣṭha (II. 51).[3] Of these, three (Atri Vasiṣṭha and Bhṛgu) are among the ten great sages created by Manu Svāyambhuva, who in turn created the seven Manus (I.35-36).[4] There are allusions to heresy, heretics and heretical books[5] and to " despicable systems of philosophy not founded on the Vedas" (XII. 95).[6] There are refeiences to the atheist (*nāstika*)[7], atheism (*nāstikyam*)[8] kingdoms over-run by atheists[9] (*nāstikākrāntam rāṣṭram*) and Brāhmaṇas who are atheists[10]. The caviller of the Vedas (*vedanindaka*)[63] and works on duty composed by those who deny the Veda (*Veda-bāhyāḥ smṛtayaḥ*), are mentioned, a description that might appear to fit the *Vinaya-piṭaka* and *Abhidammapiṭaka* of the Buddhists. Divergences of doctrine are alluded to, *e.g.*, option on the disposal of the *śrāddha-piṇḍa*;[11] the relative claims of the ' soil '

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1. शूद्रावेदी पतत्यत्रेरुतथ्यतनयस्य च ।
   शौनकस्य सुतोत्पत्त्या तदपत्यतया भृगोः ॥ (३,१६)
2. वैखानसमते स्थितः । (६,२१)
3. वसिष्ठविहिता वृद्धिं सृजेत् वित्तविवर्धनीम् ।
   अशीतिभाग गृह्णीयान्मासाद्वार्धुषिकः शते ॥ (८,१४०)
4. मरीचिमत्र्यङ्गिरसौ पुलस्त्यं पुलह क्रतुम् ।
   प्रचेतसं वसिष्ठं च भृगु नारदमेव च ॥
   एते मनूंस्तु सप्तान्यानसृजन्भूरितेजसः ।
   देवान् देवनिकायांश्च महर्षींश्चामिततेजसः ॥ (१,३६-३६)
5. पाषण्डिनो विकर्मस्थान् बैडालव्रतिकाञ्शठान् ।
   हेतुकान् बकवृत्तींश्च वाङ्मात्रेणापि नार्चयेत् ॥(४,३०)

   See also IV. 61, V. 89-90, IX, 225, XI. 66 and 8, 30, XII. 95-96.

   ये वेदबाह्याः स्मृतयो याश्च काश्च कुदृष्टयः (१२,९५)
6. II. 11.
7. IV. 163; XI. 66.
8. VIII. 22.
9. III. 150.
10. II. 11, III. 161.
11. पिण्डनिर्वपणं केचित्परस्तादेव कुर्वते ।
    वयोभिः खादयन्त्यन्ये प्रक्षिपन्त्यनलेऽप्सु वा ॥ (३,२६१)

and the 'seed'[1] and to the interpretation of the term *bhartṛ* or lord in relation to a father's rights over a son.[2]

Such allusions and references will appear incongruous in a work which claims to represent the dicta of the 'father of mankind' and to be incompatible with the primeval age of the law emanating from him. It is noteworthy that this aspect has not struck the acute commentators on *Manusmṛti* or later Hindu writers, who have accepted without question the legend of its origin and its paramount authority. We, who do not share the faith in these, will see in such references only proof of the composition of the entire work in an age in which such knowledge of the matters or persons alluded to would have been natural, and in which divergences of view might be predicated along with heresy in its many forms It is otherwise with the scholiasts. Omniscience is claimed by Manu for himself, and it is admitted by the orthodox, among whom the commentators on *Manusmṛti* and writers on Dharma would be classed. Omniscience implies a knowledge of the past as well as of the present and the future. A work on *Dharma* has to lay down the conduct appropriate to epochs in which *Dharma* decays, and heresy becomes rampant as well as schismatic views. Further, the theory of the repetition of the features of each cyclic period of creation in all *future* cycles, would make the memory of Manu of the past degeneracy an indication of future decadence. Indian commentators (like Śabara, Viśvarūpa and Medhātithi) are acute and critical by nature, and are not likely to overlook obvious inconsistencies. Medhātithi, for instance, did not seem to have held the view (as pointed out by Dr. Jayaswal)[3] that all that is found in *Manusmṛti* represents the very words of the divine sage. He refers to the author as "a man named Manu" (*Manur nāma kascit purusa-viseṣaḥ*, I. 1).

Besides the story of its origin that *Manusmṛti* itself furnishes there are other legends, which bring a work of Manu on *Dharma* among

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1. बीजमेके प्रशंसन्ति क्षेत्रमन्ये मनीषिणः ।
बीजक्षेत्रे तथैवान्ये तत्रेय तु व्यवास्थितिः ॥
अक्षेत्रे बीजमुत्सृष्टमन्तरैव विनश्यति ।
अबीजकमपि क्षेत्रं केवल स्थण्डिलं भवेत् ॥
यस्माद्बीजप्रभावेण तिर्यग्जा ऋषयोऽभवन् ।
पूजिताश्च प्रशस्ताश्च तस्माद्बीजं प्रशस्यते ॥ (१०,८०-८२)

2. भर्तुः पुत्र विजानन्ति श्रुतिद्वैतं तु भर्तरि ।
आहुरुत्पादक केचिदपरे क्षेत्रिणं विदुः ॥ (९,३२)

3. *Manu and Yajñavalkya*, p. 44.

those divinely composed on the *purūṣārthas*. Thus the *Mahābārata* [1] gives two accounts In one the Supreme Being is said to have composed a huge work on Dharma which was summarized successively by Manu Svāyambuva, Uśanas and Bṛhaspati. In the other legend Brahma is credited with the composition of a work in a hundred thousand chapters, which dealt with *Dharma, Artha* and. *Kāma*, and this was successively abridged into 10,000, 5,000, 3000 and 1,000 *chapters* by Viśalākṣa (Śiva), Indra, Bāhudantaka, Bṛhaspati and Uśanas. A similar tradition as regards Kāmaśāstra, along with works on the other two *puruṣārthās* is given by Vātsyāyana [2] The introduction to one version of *Nāradasmrti* states that "holy Manu" composed a book in 100,000 slokas and 1,080 chapters and delivered it to the sage Nārada. Reflecting that so huge a work could not be remembered by mortals, Nārada condensed it into 12,000 ṣlokas, and delivered the abridgement to Mārkaṇḍeya, who reduced it to 8,000 ṣlokas, and delivered the abridgement to Sumati, son of Bhṛgu, who realizing that the longevity of men had been reduced in the transit of the ages, reduced the work still further to 4000 slokas. The last abridgement is meant for mortals, while the original work still exists in the worlds of gods and superhuman beings. The extant *Nāradasmṛti* (to which this preface is attached) claims to be the ninth book of the original (in twelve thousand verses) that Nārada had composed. The present text of the Smṛti is about a thousand ślokas long, and deals only with law proper, and the claim seems to be supported.[3] The approximation of the length assigned to Bhārgava Sumati's version of the extant *Manusmṛti* makes Dr. Jayaswal regard it as the composition of a historic person, Sumati, who composed the persent version of Manu in the Śunga age.[4] A fifth tradition found in two *purāṇas* (*Bhaviṣya* and *Skanda*) states that there are four versions of the original smṛti of Manu Svāyambhuva, and these are respectively by Bhṛgu, Nārada, Bṛhaspati and Angiras [5] This tradi-

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1. *Śāntiparva* CCCXXXVI, 38-46; LIX. 80-85.

2 प्रजापतिर्हि प्रजाः सृष्ट्वा तासां स्थितिनिबन्धन त्रिवर्गस्य साधनम् अध्यायानां शतसहस्रेण प्रोवाच । तस्यैकदेशं स्वायभुवो मनुः धर्माधिकारिक पृथक् चकार । बृहस्पतिः अर्थाधिकारम् । महादेवानुचरश्च नन्दी सहस्राणामध्यायानां पृथक् कामसूत्र प्रोवाच ॥ (वात्स्यायनीयकामसूत्रम् ,१,१,५-८)

3. *Nāradasmṛti*, ed. Jolly, 1880. pp. 1-3.

4. *Manu and Yājñavalkya*, pp. 44-45.

5. The following śloka from *Bhaviṣyapurāṇa* occurs in Hemādri's *Dānakhanda* (Bib. Ind), p. 528.

भार्गवीया नारदीया च बार्हस्पत्याङ्गिरसस्यपि ।
स्वायंभुवस्य शास्त्रस्य चतस्रः संहिता मता. ॥

tion probably springs from the obvious foundation of the extant smṛtis of Nārada and Bṛhaspati on *Manusmṛti*, which they supplement. The order of enumeration, however, places Nārada *before* Bṛhaspati (a sequence generally accepted by modern writers) but I have tried to show that it should be reversed, as Bṛhaspati is cited by Nārada.[1] The version of *Nāradasmṛti* (which is only about two-thirds the length of Jolly's text) with the ancient commentary of Bhavasvāmin,[2] shows many variants from the *Nāradasmṛti* for which the ancient commentary of Asahāya is partially available. Bhavasvāmin's text clearly has the tradition in mind, as it is decribed as *Nāradīya Manu-saṃhitā*, the Nārada version of Manu's work. I have found most of the quotations in the *Kṛtya-kalpataru*, as often in the version of Bhavasvāmin as in that of Asahāya.

The legends have this significance. They establish the ancient belief in the divine origin of Dharmaśāstra and its authentic promulgation by Manu Svāyambhuva, from whose work later versions were derived. *Manusmṛti*, as we now have it, by claiming to be the authentic work revealed to Bhṛgu, gained the power to over-ride all rivals by its emanation from the Father of Men and the Creator. The claim of divine origin or inspiration has had several consequences. By referring back all laws to one primary source, of which an authentic text exists and can be consulted, it secured uniformity in usages and law. The older customary laws tended in course of time to approximate themselves to those of the divine smṛti, and though the bewildering variety of customs did not altogether disappear, there was a tendency for their gradual reduction and amalgamation. The theory of divine origin secured for the injunctions of smṛtis both a stability and a force that they could not have otherwise obtained, as mere human works. The supersession of the older *sūtra* works by smṛtis, for daily guidance, was the result. Basing laws on a source that does not admit of change contributes to social stability. But it is at the expense of unadaptability to altered conditions, as civil authority has no power to change laws by legislation. But the pressure of hard necessity finds a way out. The hypothesis of a divine, and infallible, source, carries with it the corollary that the laws promulgated will suit all times and circumstances and will be

1. See my Introduction to *Bṛhaspatismṛti* (1941), pp. 138-141.

2. Published by Sāmbaśiva Śāstrī in the Trivandram Sanskrit Series in 1929. Dr. Kane does not use it but *Dharmakośa* does. More of the citations in the *Kṛtyakalpataru* from Nārada are found in this version than in the text of Jolly, based on Asahāya.

just and equitable. Where they apparently fail in these respects, investigation or interpretation can discover ways of reconciling them with the demands of the moral imperatives. The smṛti contains the warning against literal interpretation, and advises the use of logic (*nyāya*) and intelligent interpretation (*yukti*) as well as the institution of bodies (*pariṣad*) to resolve disputed points of law and give decisions on matters that are not dealt with in the book itself.[1]

Redactions of Manusmṛti

Tradition by describing the passage of the contents of the original divine smṛti through Manu, Bhṛgu and possibly a pupil of Bhṛgu, may appear to open a way for modifications of the original rules in the process of transmission. This is ruled out by the ascription of the recapitulation to persons with divine power. Modern students of *Manusmṛti* consider that revisions of the work are proved by the presence of contradictory views in certain matters: *e.g. niyoga* (IX. 59-63 and 64-69), a Brāhmaṇa marrying a Sūdra woman (III. 12-13,14-19), forms of marriage appropriate to each *varna* (III. 23-26), eating meat (V. 27-56), the relative status of teacher and father (II. 145-146), and the birth of Bhṛgu (I. 35 and IX. 32-56). It does not appear to be right to take such instances as proving the incorporation of contradictory statements. at different times, in successive editions of the work. It ascribes clumsiness to editors. In a revision one would expect obsolete matter to be cut out, not controverted. It is more natural to take such cases as reflecting actnal or possible differences of view, which the smṛti tries to resolve. Mm P.V. Kane rejects the theory that *Manusmṛti* underwent *several* recasts, and considers that *one* revision will account for the 'conflicting' statements in the smṛti on which the inference is based.[2] He rightly draws attention to the traditional practice of setting side by side conflicting or divergent views, and indicating either preference or option. The story in the *Nāradasmṛti* that it is a version of Manu's original code looks plausible, as it explains the fragmentary character of Nārada's extant work, which deals only with *Vyavahāra* and omits other topics deemed by general agreement to be necessary in a complete smṛti. But it makes the extant fragment not part of the Code meant for men, but that which is intended for the gods! It thus proves too much Bhavasvāmin is unaware of the story, or atleast does not give it, though the colophon

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1. For the constitution of a *Pariṣad* see *Manu*, XII. 108-113.
2. *History of Dharmāśastra,* Vol. I., pp. 148-151.

of his commentary describes it as that on the *Nāradīya Manusamhita.* His text is only about two-thirds the length of that dealt with by Asahāya. While the modern view of revisions postulates additions to the content and elaboration, the old traditions, utilizing the belief in declining powers in succeeding *yūgas,* represent each succeeding recension as a condensation of the preceding. The stories are unknown to the author or editor of the extant *Manusmṛti,* and are suspect, on the ground that they attempt to give other smṛtis the authority that Manu's enjoys. The many verses which pass as those of Bṛhan-Manu and Vṛddha-Manu may be genuine in atleast some cases and represent floating ślokas in circulation and ascribed popularly to Manu, which are not found in *Manusmṛti,* like the verses ascribed in the *Mahābhārata* to Manu and not found in *Manusmṛti.* The declared aims of *Manusmṛti* are comprehension and completeness in detailing the duties of every one. It is addressed to all persons, and its study is described as a duty of Brāhmaṇas, particularly of those who have to teach others. It has not the narrow audience of a *kalpasūtra* before it. Constant study of a work, which was made an obligatory study, in epochs in which there were expert reciters of smrti (*dharmapāṭaka*) would safeguard the text from corruption and stabilize it.

Alleged Interpolations in Manusmṛti.

Dr. Buhler, after an exhaustive survey of the contents, rejects about half the extant text as interpolation. His arguments are in substance two: *Manusmṛti* is a versified form of a *sūtra* book which belonged to the same school as that to which *Visṇusmrti* belongs. Accordingly, by a comparison with *sūtra* books and *Viṣṇusmṛti,* the portions of *Manusmṛti* which may be regarded as added *can* be separated and rejected. Secondly, certain topics are Purāṇic in character and not relevant to the subject of the *smrti* The theory of Buhler that *Manusmrti* is a versified version of an original *Manava Dharmasūtra* is now rejected as unproved and improbable. It overlooks the purpose of both the older *sūtra* form of composition and the later versified *Dharmasāstras* like the smṛtis bearing the names of Manu, Yājñavalkya and Bṛhaspati. In a *sūtra* book, which serves the purpose of a syllabus for *oral* exposition, the space given to any item should not, properly speaking, be deemed to reflect its importance in the view of the author or head of the school ; nor can differences of viewpoint be inferred between two schools by merely comparing their respective aphoristic syllabuses. The versified *samhitā* aimed at a wider audience than the *kalpasūtra* and at an audience which would not be under the guidance of a teacher. Its greater fulness is not a proof of the importation of new mateer, that

was unknown to those who orally expounded the *dharma* and *gṛhya* aphorisms. Even versified *saṃhitās* differ from one another in the space given by them to the elaboration of particular topics, for, they too would be subject to oral exposition, on which later on commentaries will be based. That such *bhaṣyas* existed for other branches of learning we know. That they existed for *Dharmaśāstra* is a permissible deduction from the lines of development of Indian literature. The individuality of writers will be indicated by their improving on existing works, by incorporating more of the matter passing orally, in their works than other, older, writers. Yājnavalkya's smrti is fuller on *Yoga* than Manu's. His language is more precise. It is not right to postulate development of doctrine merely from differences of views on any specific matters between smṛti and smṛti. They can differ in precision of expression and capacity to convey unambiguously what they intended to teach. The view now generally held is that legal ideas become more developed in course of time, and the development is reflected in the larger space given to definition, classification and elaboration of details in later smṛtis than in earlier, in Bṛhaspati, Nārada and Kātyāyana for example, as compared with Manu and Viṣṇu. It seems plausible, but it overlooks the fact that every smṛti did not necessarily reflect current practice or jural ideas that emanated from the brain of its author. The first view is contradicted by the presence of archaic and modern matter in the same work, and of developed doctrine in earlier and undeveloped in later works. The second view overlooks the fact that most writers on Dharma must have cherished the belief that they were incompetent to innovate. The more natural explanation is that a later writer supplies, not from his own experience or inner consciousness, matter not found in earlier treatises, and seeks to make up for omissions or summary statements, by his own fuller exposition of the legal or ceremonial practices that were current and held to be based on valid authority and to be consistent with the extant *corpus* of Dharma. A comparison of the *Kauṭilīya* and a smṛti far removed from it in age, like *Yājñavalkyasmṛti* will not reveal any marked difference between the two ages in the way of refinement of legal and moral ideas and development of institutions. In a vast country like India, there have been many different cultural levels at the same time in different parts of the country That fact has always been taken note of in *Dharmaśāstra* and *Arthaśāstra* in the recognition of usages that do not conflict with Dharma or morality. In the Introduction to my reconstruction of Bṛhaspati's lost smṛti, I have tried to show that (contrary to accepted ideas of their relative chronological position) the smṛtis of Bṛhaspati and Kātyāyana are older than that of Nārada

notwithstanding the circumstance that in elaboration of civil law Kātyāyana is fuller and more precise than even Nārada, and possibly Yājñavalkya. If all smṛtis said the same things with the same emphasis on specific points, there will be no scope for individuality or for new smṛtis. The purpose of a new writer is not to *create* new laws but to state more fully or better what has been stated by earlier writers. Historical writers who reconstruct the social life of a period do so on the basis of smṛtis the composition of which is ascribed conjecturally to that period. On the other hand, they assume that the views in such works are personal. Both points of view overlook the repercussion on life of centuries of study and adherence to works on Dharmaśāstra, and the probabilty of the evolution of conformity to it in actual life. They also miss the hypothesis (which is *not* a 'legal fiction') of concord in all works on of Dharmaśāstra.

Buhler's Excisions.

When Buhler wrote forty years ago, the *Arthaśāstra* of Kauṭilya was unknown It will take us far out, if we undertake a review of the data for establishing the authenticity and date of this remarkable work. Even without the commentaries (as in the case of smṛtis) that would elucidate its provisions, it reflects a very highly developed administrative and legal system. In many respects it is in accord with *Manusmṛti*, and differences are explainable on the score of divergence of view-points between the two *śāstras* I have already dealt with the erroneous views which have become popular about the nature and authority of *Arthaśāstra* and of the wrong interpretation of such ideas as *secular* and *religious* in regard to allied forms of complementary literature. Had Buhler lived after the discovery of the *Kāutilīya*, some modification in his point of view and conclusions will have been made. The small space given to procedure or adjective law in Manu is held to indicate its early date (Bühler, p. xcix)." As regards procedure" (says he) "the *Manusmṛti* pays more attention to the moral side of the duties incumbent on the judge and the other persons concerned, than to the technicalities, which are more clearly and minutely described in the Dharmaśāstras of Yājñavalkya and Nārada." This is an indication of difference of aim, not of difference of knowledge or of evolution of ideas on law and procedure, Bühler ascribed Manu's work, as it now exists, to c. 100 B.C. at the earliest. Is it meant that no elaboration of procedure had taken place then or earlier ? It is not a justifiable use of the argument of silence.

Throughout *Manusmṛti* the stress is on general, moral and mataphysical points. It might savour of bathos if a revealed book

of enjoined duty became, in spite of its already large bulk, a work on judicial procedure. Adjective law largely depends on conditions in which the administration of justice is carried on and the persons who are affected by it. These are more liable to change than fundamental, ethical and legal principles, which are the prime concerns of Manu.

Among the portions of *Manusmṛti* that Buehler considered to have been interpolated the most conspicuous are the cosmological, metaphysical and theological parts comprising almost the entire first parts of the second (89-100) and twelfth books. He declares that no *Dharmasūtra* begins with an account of its own origin, much less with an account of creation. This overlooks two points: that a *Dharmasūtra* represents the syllabus of a small part of the instruction given to a pupil, and that the rest of the *kalpa* as well as the subjects of the curricula of the average *Brahmacārin* would supply just the missing theological or metaphysical knowledge. Such knowledge is basic. Manu attributes the social danger of heresy and infidelity to an absence of such beliefs. The unbeliever is a social danger and has to be externed from the state, as his lack of belief in the ultimate basis of social and ethical duties constitutes him into an anti-social person. India has never placed any embargo on the mind. But a social thinker is entitled to point out the risk to society of a mere attitude of negation (*nāstikya*) leading those who hold it to defy the conventions on which social order is built. Manu notes the existence of heretics in large numbers, and of the unstable condition of the kingdom in which they abound.[1] It is to overcome the results of an unchecked tendency to question the very foundations of religion and morality that he condemns those who apply dialectics to the authority and sanctity of Veda and smṛti, while he has no prejudice as such against *hetusāśtra*, and provides for a logician in every *pariṣad*, which is to declare the law (XII, 111) and accepts the fundamental *pramāṇas* of Nyāya (XII, 105). The *sūtras* are text-books by human authors. *Manusmṛti* claims divine authority behind it, and aims at a universal appeal. The validity of its authority, no less than its teachings, rests on theological and metaphysical foundations. The divergent duties imposed on *varṇas* and *āśrmas*, have all of them their foundation, or justification, in fundamental assumptions that constitute the background of the minds of those who laid down the laws, and those who followed them. As a book that is one of many taught in a complete scheme of education, a *Dharmasūtra* can

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1. यद्राष्ट्रं शूद्रभूयिष्ठं नास्तिकाक्रान्तमद्विजम् ।
विनश्यत्याशु तत् कृत्स्नं दुर्भिक्षव्याधिपीडितम् ॥ (८,२२)

merely allude to these beliefs and assume knowledge of them in the learner and teacher. But it is not so in a work intended for wide study.

The suggested rejections, on the score of interpolation, are curiously just those parts of the smṛti which are needed to supply the background for the social and political system which it is the object of the book to uphold. Among the other unwarranted suggestions for omission as interpolations are the account of *Karma* (II, 1-11) which has to be taken with that of transmigration and *karmavipāka* and the verses on the *oṁkāra* and *sāvitri* (II, 76-87). The account of the 21 hells is rejected, and in short the entire background is rejected. The two grounds usually adduced for eliminating passages are either that it is wanting in *Dharmasūtra* works or goes into details. It is needless to expatiate on the theory. It is evident that the text of *Manusmṛti*, as we now have it, has been unchanged practically from the date that Buehler and others assign to it, *viz.* c.100 B.C. It is curious that the passages that are to be rejected, because they have a philosophical or theological flavour reminiscent of the Upaniṣads, are deemed worthy of being treated as interpolations, according to MM, P. V. Kane (I, p. 149) because they "have the flavour of modernism (?) about them."

We may close this lecture with a few words about the date of *Manusmṛti*. For external evidence, we have citations from it by Aśvaghoṣa and the *Dhammapada*, an anonymous citation of a verse from it in the *Mahābhāṣya*, an early Cambodian inscription which cites Manu (II, 136) without naming him, and gives the gist of Manu (III, 77-80), and Vātsyāyana's reference to Manu. One of the aspects not touched on is the similarity in many passages between Manu and Kauṭilya, and in the Tamil aphorisms of the early Tamil ethical writer, Tiruvaḷḷuvar, for whom a date in the 2nd century A.D is assigned. In internal evidence, reliance is laid on the alleged mention of the Chinese, Parthians, Yavanas, and Śākas (X, 43-45) in the enumeration of kṣatriya tribes or people, who had become *vṛṣalas*, by neglect of their enjoined duties (*kriyālopāt*). In Medhātithi, the name Pallavas appears as *Panhavas*, and in Bharata's *Nātyaśāstra* as *Paḥrava*.[1] Such passages, containing enumerations, are easily interpolated or altered, in the interests of invaders who wished to be brought into Manu's scheme. If they are genuine and not interpolated, the extant version cannot be older that the 2nd century B.C. and would approximate to the date suggested by Buehler as an upper limit.

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1. *Manu and Yājñavalkya*, p. 27.

It is noteworthy that, judging entirely from its content *viz.* ignorance of places south of Hindusthan, when Ceylon was occupied in 500 B.C., the omission to refer to the worship of Purāṇic deities like Śiva (who are mentioned in early Buddhist literature), imperfect knowledge of the *six darśanas*, omission to mention the names in the great epics, Max Duncker[1] was inclined to date *Manusmrti* soon after 600 B.C. Undoubtedly, a work that denounces the Licchavis cannot have been composed in the Gupta period, when the emperors boasted of their Licchavi connection. Its "awkwardness" in enunciating rules of judicial procedure, which is taken along with its omitting two out of the usual eighteen titles of law, is held to be a sign of early date. If we accept Büehler's dictum that *Manusmṛti* shows a period in which the systematic treatment of law had begun but had not advanced, the argument can be used for putting *Manusmṛti before* the *Kauṭilīya.* Speculations about the native country of the author are inconclusive. They are also irrelevant. The feature of historical validity in *Manusmṛti* is that for nearly two thousand years it has enjoyed a position of paramountcy among the books which aimed at guiding the daily lives of Indians, and its social and political systems have had remarkable constructive results.

The reasons for its great influence, apart from its claim to be divinely inspired, are obvious. It deals more with civil matters (982 ślokas out of 2685) than any older work. It is non-sectarian. It was not composed by order of any ruler, and so had no limited influence. It relies on the oldest sanctions, *viz.* those of the Veda. It nowhere inculcates the worship of Purāṇic deities. Its tone is ethical. It deliberately aimed at wide influence by being prescribed for study by those, who, in the social order, were the teachers and leaders of society. Above all, it enjoyed the prestige and power natural in a work that claimed as its author the parent of mankind.

1. Max Duncker, *History of Antiquity*, Trn., Abbot, Vol. IV, pp. 95-196,

LECTURE III

THE BACKGROUND OF MANUSMṚTI

Institutions have validity only in their context. Even modern codes of law can be properly appreciated only in relation to their unspecified but well-understood presumptions and postulates. Right and wrong are terms that have meaning generally in relation to a particular social set-up. Few institutions or laws have a universality of application that will make them good for all times and circumstances.

In the case of a work like *Manusmṛti*, the chief cause of much defective perception of the purpose or justification of its dicta or rules has been the failure to grasp, at the outset, the difference between the modern standpoint and that of the smṛti. Even in ancient times, when dissent had created groups that did not share the beliefs that *Manusmṛti* deems fundamental, the dissidents framed for themselves rules of conduct modelled on the older *Dharma* works, with such modifications as were necessitated by the change of outlook and hypotheses.[1] We can see it in the modifications in Buddhist *dhamma* for the laity and the clergy that had to be made in the older rules of Brahmanical Dharma to suit the changed outlook of the Buddha. Today the law of inheritance for Buddhists and Jains is largely identical with that of their Hindu brethren, but it is because in regard to it the outlook between the older and the newer religions was not meterially different. Modern laws relating to property, marriage, inheritance and relations to the state may show material variations in a capitalistic and socialistic environment. With changes in economic attitude such things as laws regarding industrial combinations, have, for instance, been altered and are being altered day by day. Even in the field of morals, it is now urged that the idea of

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1. "Buddhist countries like Burma themselves borrowed their laws of succession from Manusmṛti." (p. 560). "Buddhists had hardly any independent set of juristic ideas or works different from those of the Brahmanical jurists, and in mediaeval times countries like Burma professing Buddhism turned to Brahmanic codes like that of Manu for regulating succession, inheritance and allied matters." (P. V. Kane, *History of Dharmaśāstra*, Vol. III, 1946, p. 640). In regard to the share of an adopted son after an *aurasa* son is born, Jains follow (*Ibid*, p. 698) the rule of Vasiṣṭha and Baudhāyana giving the adoptee an one-fourth share.

evolution must, if applied, lead to a revision of accepted ideas of right and wrong. In the light of the repercussion of circumstances on moral ideas, no moral code has universality or can claim to be based on eternal principles.

Modern ethics is becoming not only evolutionary but behaviouristic. We look not to pyschological imperatives but to the adjustment of individual conduct to what society demands. Subjective treatment is giving place to the comparative and historical.

It is this which necessitates an inquiry into the basic assumptions of the code of conduct that passes as Manu's. It is only by looking at the rules in relation to such postulates that their meaning and significance can be properly comprehended.

In this respect *Manusmṛti* offers us a help in our study that *Dharmasūtras* will not give, at any rate to the same extent. A *Dharmasūtra* is part of a bigger syllabus dealing with domestic and *śrauta* rites and duties, along with the rules of ordinary conduct.[1] It was intended for guidance in *oral* instruction, and was not meant to be *read.* Those who followed it would be familiar with many foundational ideas, on which the dicta of the *sūtra* rest. *Manusmṛti* belongs to a different class of composition. It was not meant for oral exposition, in a narrow Vedic school (*caraṇa*) Its appeal was to the entire community. It was intended to be studied by itself, not as part of wider curriculum. It was meant for grown-up householders, and in a special way to the learned Brāhmaṇas, who were society's appointed teachers and spiritual guides, members of committees for determining doubtful points of *dharma,* assessors in courts of law, judges and advisers of kings. It also assumes an antecedent knowledge of the basic beliefs of those to whom it would appeal or apply, in those who read or use it, but it is more self-contained and aims at greater completeness in enunciation, explanation and prescription. Nevertheless, much in it would remain obscure to non-Hindus.

To begin with, Manu's eulogia on the Vedas are not rhetorical. The religious and philosophical ideas of Manu are Vedic. Its ritual is Vedic. Its fundamental beliefs go back to the Veda. Its similarity to parts of the *Mahābhārata* and the *Bhagavadgītā* is due to common obligation to a Vedic source. It is a claim of Hindu Dharma that it is for all time and circumstances: *sanātana.* But that there may be areas or people who will have ideas

1. For example, Āpastamba's *Dharmasūtra* only forms chapters 31 and 32 of the *Kalpasūtra.*

that go against Hindu *dharma*, is tacitly admitted in definitions of the areas from which alone correct precedents for action can be drawn. If Dharma depends on revelation (*śruti*), tradition (*smṛti*), the customs of "good" men and conscience (*ātmanastuṣṭi*), as laid down by Manu,[1] a further definition of valid customs and of the elect, whose inner monitor is the Judge for them and others as to what is Dharma and what is not, becomes necessary. The traditions of *Brahmāvarta*, handed down from generation to generation, as regards both the approved *varṇas* and *varṇas* not so approved, constitute the valid criterion.[2] The usages of *Brahmarṣideśa* furnish the standards for the *dharma* of the stages of life (*āśramas*). In a broader sense, the land between the Himālayas and the Vindhyas and between ocean and ocean is the area of approved persons (*āryāvarta*), and areas outside the limits of the habitat of the spotted antelope are those of barbarians.[3]. The skin of the antelope (*Kṛṣṇājina*) is needed for sacred rites,[4] and as the area over which it can live is virtually the whole of India, the limits are extended thereby. The test is extended by a *purāṇa* to include all areas in which articles necessary for daily ritual, like the *kuśa* grass and barley (*yava*) are found along with a further test, namely the prevalence of the system of the four *varṇas* and four *āśrmas* in the area,[5] and this criterion is stated also by *Viṣṇusmṛti*.[6] The discussion

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1. वेदः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः ।
   एतच्चतुर्विध प्राहुः साक्षाद्धर्मस्य लक्षणम् ॥ (२,१२)
2. तस्मिन्देश य आचारः पारपर्यक्रमागतः ।
   वर्णानां सान्तरालानां स सदाचार उच्यते ॥ (२,१८)
3. हिमवद्विन्ध्ययोर्मध्ये यत्प्राग् विनशनादपि ।
   प्रत्यगेव प्रयागाच्च मध्यदेशः प्रकीर्तितः ॥
   आसमुद्रात्तु वै पूर्वादासमुद्रात्तु पश्चिमात् ।
   तयोरेवान्तरं गिर्योः आर्यावर्तं विदुर्बुधाः ॥
   कृष्णसारस्तु चरति मृगो यत्र स्वभावतः ।
   स ज्ञेयो यज्ञियो देशो म्लेच्छदेशः ततः परम् ॥ (२,११-२३)
4. *Kṛṣṇājina* "has been throughout the ages a symbol of holiness and Vedic culture: vide *Sat. Br.* I, 1, 4, 1-2, where *yajña* is said to have escaped from the gods and wandered about as the black antelope, and the white, black and yellow hairs of the antelope are said to respectively Rg, Sāman, and Yajus." (Kane, *History of Dharmaśāstra*, II, p. 1026, f.n.)
5. कृष्णसारैः यवैर्दर्भैः चातुर्वर्ण्याश्रमैः तथा ।
   समृद्धो धर्मदेशः स्यादाश्रयेरन्विपश्चितः ॥
   (आदित्यपुराण, वीरमित्रोदयसंस्कारप्रकाशे, पृ. ५७)
6. चातुर्वर्ण्यव्यवस्थानां यत्र देशो न विद्यते ।
   म्लेच्छदेशं तु जानीयात् आर्यावर्तमतः परम् ॥ (विष्णुस्मृति, ८४,४)

leads back to the recognition of *varṇāśramadharma* as the final proof of the acceptability of an area. *Per contra* it has been argued by Medhātithi that if in any area the system disappears through foreign occupation, it ceases to be a holy land.[1] If a Hindu ruler conquers a country outside the limits specified and introduces the *varṇāśrama-dharma* there, it becomes a Hindu area. The historical significance of Manu's holy land is according to Dr. Jayaswal, that it came under alien occupation in the 2nd century B.C., and it would then have ceased to be "holy."[2] But there is nothing to show that the customs of the elect had changed during foreign rule. The interpretation of Medhātithi is an extension of Manu's criteria on the lines of *Viṣṇusmṛti.*

Manu's Cosmology.

The cosmological beliefs of Manu have relevance to his views. He recognizes one Supreme Being, who is immanent, and from whose sport (*līlā*) the evolution and involution of Cosmos take place. He alone *is*. He is infinite, eternal, beginningless and endless, and unchangeable. He is the first cause, the cause of both mind and matter. He can be realized, or experienced by the supreme wisdom that man may acquire by leading a pure life. God bears the world but is not lost in it. (*Bhūtabhṛt na bhūtasthaḥ*): "The world is in God, and not God in the world."[3] In his account of the evolution or creation of the universe, Manu does not postulate an Absolute standing aloof from creation and another functioning as creator, a *kārya-brahman* and a *kāraṇa brahman*, as in the Vedānta of Saṅkara. Nor does he treat the world as unreal, and as overcome by *Māyā* (illusion). He takes the synthesized Sāmkhya-Nyāya-Vedānta standpoint. He is a realist and admits the authority (*pramāṇa*) of perception (*pratyakṣam*), inference (*anumāna*) and scripture (*śāstra*) as the only valid means of knowing; and he lays down that he who desires to understand the pure Dharma should master the three.[4] The moral law is an expression of His justice and uncapriciousness. He is beyond concrete description, and the sages of the Upaniṣads

1. यदि कथंचिद्ब्रह्मावर्तादिदेशमपि म्लेच्छादयः आक्रमेयुः, तत्रैवावस्थान कुर्युः, भवेदेवासौ म्लेच्छदेशः । तथा यदि कश्चित् क्षत्रियादिजातीयो राजा साध्वाचरणो म्लेच्छान् पराजयेत्, चातुर्वर्ण्यं वासयेत्, म्लेच्छांश्च आर्यावर्तमिव चाण्डालान् व्यवस्थापयेत् सोऽपि स्याद्यज्ञियः । यतो न भूमिः स्वतो दुष्टाः, संसर्गाद्धि सा दुष्यत्यमेध्यापहतेव (मेधातिथिः, २,२३)

2. *Manu and Yajnavalkya*, p. 32.

3. *Bhagavadgītā*, IX, 5; Radhakrishnan, *Hindu View of Life*, p. 71.

4. प्रत्यक्षं चानुमानं च वेदशास्त्राविरोधिना ।
यस्तर्केणानुसंधत्ते स धर्मं वेद नेतरः ॥ (१२,१०५)

could only define Him negatively (*neti,neti*).[1] He is realized by the muttering of the *praṇava*, (*aum*) with the three vyāhṛtis (*bhūḥ bhuvaḥ suvaḥ*), which "the Lord churned out of the triple Vedas." The recitation of these along with the *Sāvitrī mantra*, and the suppression of breath, while muttering words of power (*Prāṇāyāma*) confer vast occult powers of purification on him who utters them.[3] The *praṇava is itself* an esoteric Veda.[4]

The power of recitation of such *mantras* is both positive and negative; they confer powers, and they wash off sins, as by expiation. Sacrifices, great and small (*mahā* and *pāka-yājñas*) have similar powers. The five minor sacrifices which the householder (*gṛhastha*) has to perform every day, have this cleansing property, and one of their effects is to remove the taint, born of using five domestic articles, whose daily use for cooking destroys life and makes them so-to-speak "five slaughter-houses" (*pañca-sūnāḥ*).[5] The five minor sacrifices are offered to Brahman, the manes (*pitṛ*), the gods (*devāḥ*), all living beings (*bhūtāḥ*) and guests (*nṛ-yajña*). Learning and teaching the Veda is the sacrifice to Brahman; the offering of water and food is the sacrifice to the manes; the *homa* (fire rite) is the sacrifice to the gods; the *Bali* is the sacrifice to living beings; and the sacrifice to men is the hospitable reception of guests.[6] Manu upholds the Vedic belief in the effect on other worlds of enjoined rites done in this world. Thus, he enunçiates the old belief (which we find in Kālidāsa and in the *Bhagavadgītā*) that sacrifices cause rain and fertility.[7] "An oblation thrown daily into the fire, reaches the sun;

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1. बृहदारण्यकोपनिषत्, २,३,६;३,९,२५;४,२,४;४,४,२२;४,५,१५
2. अकार चाप्युकारं च मकारं च प्रजापतिः ।
   वेदत्रयात् निरवृहद् भूर्भुवःस्वरितीति च ॥
   त्रिभ्य एव तु वेदेभ्यः पादं पादमदूदुहत् ॥ (२,७६-७७)
3. २,७७-८६.
4. आद्यं यत् त्र्यक्षरं ब्रह्म त्रयी यस्मिन् प्रतिष्ठिता ।
   स गुह्योऽन्यस्त्रिवृद्वेदो यस्तं वेद स वेदवित् ॥ (११,२६६)
5. पञ्चसूना गृहस्थस्य चुल्लीपेषण्युपस्करः ।
   कण्डनी चोदकुम्भश्च बध्यते यास्तु वाहयन् ॥ (३,६८)
6. अध्यापनं ब्रह्मयज्ञः पितृयज्ञस्तु तर्पणम् ॥ (३,६८)
   होमो दैवो बलिः भौतो नृयज्ञोऽतिथिपूजनम् ॥ (३,८०)
7. दुदोह गां स यज्ञाय सस्याय मघवा दिवम् ।
   संपद्विनिमयेनोभौ दधतुर्भुवनत्रयम् ॥ (रघुवंशम्, १,२६)
   अन्नाद्भवन्ति भूतानि पर्जन्यादन्नसंभवः ।
   यज्ञाद्भवति पर्जन्यो यज्ञः कर्मसमुद्भवः ॥ (भगवद्गीता, ३,१४)

from the sun comes rain, from rain food, therefrom living creatures derive their subsistence" (III, 76).[1] A Vedic injunction requires no justification for its validity except itself. It is held self-proven (*svatas-siddhaḥ*). An allied idea is found in the ancient Vedic doctrine of the triple debt in which every one is born, the debt to the gods, (*deva-ṛṇa*), the sages (*ṛṣi-ṛṇa*) and the ancestors (*pitṛ-ṛṇa*), which are discharged by offering sacrifices to the gods, according to one's ability, having studied the Vedas in accordance with rules, and begotten sons 'according to Dharma' (VI, 37).[2] The implication of the doctrine of debts is that on every regenerate man there rests a lifelong duty to conserve and spread traditional knowledge, derived from those who had contributed to it in the past, to keep society going by adding in lawful ways to the population, and to make a grateful return to divine beings for the blessings they shower on mankind by commemorating them in ritual sacrifices. The triple obligation is held as so important that he who omits to discharge them is "fallen" (*patita*)[3] both in this life and in the future. It is noteworthy that Manu rules that in making the offering to the gods (*vaiśvadevam*), who are named in detail (III, 84-90), no Brāhmaṇa should be entertained with the cooked food, and that what remains after the offerings made to each god by name, should be placed on the ground "for dogs, outcasts, Cāṇḍālas (*śvapāka*), those who are afflicted with diseases as punishments for sins committed in former births, crows and insects." (III, 92).[4] Compassion for living beings should know no limits. The *Vaiśvadeva* offering is a daily reminder that the feeling should ever be uppermost in the mind of the householder, who is born a *dvija* through his good actions in past lives, and is able to maintain himself in health and affluence. In the field of life, the migrations of the self have no limits. Every animal, however despicable, and every man, however lowly and unfortunate, is an *ātman* (self) to be redeemed, as well as fortunately placed men to whom nothing seems denied. The bonds

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1. अग्नौ प्रास्ताहुतिः सम्यगादित्यमुपतिष्ठते ।
   आदित्याज्जायते वृष्टिः वृष्टेरन्नं ततः प्रजाः ॥ (३,८६)
2. जायमानो ह ब्राह्मणस्त्रिभिः ऋणैर्वा जायते, ब्रह्मचर्येण ऋषिभ्यो यज्ञेन देवेभ्यः प्रजया पितृभ्य एव वा अनृणो यः पुत्री यज्वा ब्रह्मचारिवासी ॥ (तै. सं, ६,३,१०,५) ।
   अनधीत्य द्विजो वेदाननुत्पाद्य तथा प्रजाम् ।
   अनिष्ट्वा चैव यज्ञैश्च मोक्षमिच्छन्व्रजत्यधः ॥ (६,३-४)
3. Failure to discharge the triple debt is a *pātaka* (११,६६)
4. शुनां च पतितानां च श्वपचां पापरोगिणाम् ।
   वायसानां कृमीणां च शनकैर्निर्वपेद्भुवि ॥ (३,९२)

which unite soul and soul, in mutual service, pass the bounds of transient forms.

The feeding of learned Brāhmaṇas in *śrāddhas* and sacrifices as well as of one who comes as an unexpected guest is ascribed mystic effects. "An offering made in the mouth of Brāhmaṇas, rich in sacred learning (*vidyā-tapas-samṛddha*) and austerities, saves one from misfortune and grave sins." (III, 98).[1] But it is not to be promiscuous and indiscriminate hospitality; it should not be shown to ignorant Brāhmaṇas, "who are mere ashes" (*bhasmībhūtṣu vipreṣu*, III, 97).[2] A Brāhmaṇa house-holder cadging for food is condemned (III, 104).[3]

The principles underlying the belief in the three-fold or five-fold debt are, firstly the impossibility of getting rid of an obligation except by discharging it in an appointed way (there being no way in Hindu theory of the redemption of an undischarged moral insolvent), and the connection between visible acts and invisible (*adṛṣṭa*) effects, which pass beyond this brief life, and cling to the *self*. The latter is not a subject for argument or proof. Its being enjoined is enough for its validity. The Cārvāka scoffs at making offerings to dead ancestors and asks why, if they are efficacious, offerings should not be made for absent travellers or persons at a distance. Such men who question the foundations of belief are dangers to society. Their atheism refuses to recognize a proper sanction behind moral rules. It is noteworthy that the typical Cārvāka is credited with saying : " Let us borrow money (without meaning to repay it) and drink clarified butter." Denial of funeral rites to atheists, of distribution to them of oblations first offered to gods and manes (III, 150), and retention in good society (II, 11) are the lot of the atheist and scoffer of the Veda in *Manusmṛti*.[4] Basing morals on

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1. विद्यातपःसमृद्धेषु हुतं विप्रमुखाग्निषु । निस्तारयति दुर्गाच्च महतश्चैव किल्बिषात् ॥(३,९८)
2. नश्यन्ति हव्यकव्यानि नराणामविजानताम् ।
भस्मीभूतेषु विप्रेषु मोहद्त्तानि दातृभिः ॥ (३,९८)
3. उपासते ये गृहस्थाः परपाकमबुद्धयः ।
तेन ते प्रेत्य पशुतां व्रजन्त्यन्नाद्यदायिनाम् ॥ (३,१०४)
4. श्रुतिस्तु वेदो विज्ञेयो धर्मशास्त्रं तु वै स्मृतिः । ते सर्वार्थेष्वमीमांस्ये ताभ्यां धर्मो हि निर्बभौ ॥
येऽवमन्येते ते तूभे हेतुशास्त्राश्रयाद्द्विजः ।
स साधुभिर्बहिष्कार्यो नास्तिको वेदनिन्दकः ॥ (२,१०-११)
ये च नास्तिकवृत्तयः । तान् हव्यकव्ययोर्विप्रानर्हानान् मनुरब्रवीत् ॥ (३,१५०)

revelation keeps them out of the reach of question by the orthodox, but not of the scoffer, reviler of the Veda, and the unbeliever. If such a person can question some dicta of the scriptures, he can challenge the constitution of society and the state, which rests on revelation. It is this which necessitates his externment.

A fundamental difference between modern ideas of the relation of man and environment, and of the ancient Hindu view lies in this : we regard man as liable to be influenced by his surroundings, while Hinduism regards it as perfectly possible for the external world to be changed by the invisible effects springing from impious or pious acts. The inculcation of a proper regard for such acts or rites, whose effects are widespread, is the purpose of Dharma and society. In Hindu belief the margin that divides the natural from the supernatural is thin, and one merges into the other. It is not only mind that, in the Virgilian sense, moves matter ; morals also do so. If we find physical changes or degeneration in our surroundings their causes have to be sought in psychical changes and moral deterioration in a people or its rulers. The seasons are propitious when kings rule righteously, and their subjects imitate the virtues of the rulers. Anarchy in life produces anarchy in nature. We know how mistakes or misrule of the governors of men result in widespread misfortune. The identical principle is upheld in Hindu belief, with an extension of the scope of errors to include similar negligence of enjoined duties (Dharma).

The rhythmic swing of the systole and diastole of creation and dissolution proceeds through uncountable ages.[1] The constituents of the universe, primeval matter and spirit (*prakṛti* and *puruṣa*) by their union bring the worlds and their content into life. The transmutation of the primordial elements (*pañcabhūta*) proceeds. The primary creation by the Lord is followed by the secondary by Manu and the Prajāpatis. Names, actions and conditions for all created beings were assigned in the primary creation itself by the Supreme (I, 21).[2] The gods were created, and the Vedas were drawn forth from Vāyu and Sūrya (I, 23), and so were qualities and

1. एव स जाग्रत्स्वप्नाभ्यामिदं सर्वं चराचरम् ।
संजीवयति चाजस्त प्रमापयति चाव्ययः १,५७

2. सर्वेषां तु स नामानि कर्माणि च पृथक् पृथक् ।
वेदशब्देभ्य एवादौ पृथक् संस्थाश्च निर्ममे ॥ (१,२१)

relationshsip (I, 23-26) and the distinction between right and wrong (*dharma* and *a-dharma*) pleasure and pain (*sukha* and *duhkha*, I, 26).[1] Whatever course of action or quality He assigned in the first instance, was repeated in them in each new creation (*I, 28*).[2] He created for the "progress of the worlds" (*loakānām vivṛddhyaṛtham*), the four castes and decreed their functions.[3] He divided Himself into male and female, and with the latter produced Virāj, who produced Manu, and Manu in turn the Prajāpatis, who made the third creation (I, 36 ff.). It is implied that plants, for example, are evolved so, in view of their past *karma*, and are possessed of consciousness.[4] Bhṛgu, in describing creation again, refers to the creation of the four *varṇas* from the mouth, arms, thighs and feet of the Supreme Being (I, 87), and pronounces an eulogy on the first *varṇa*. He is the vehicle for conveying to the gods and manes sacrificial viands (I, 95).[5] He is born for the protection of the treasury of Dharma (*dharmkośasya guptaye*, I, 99), *i.e*, for conserving and preserving the revealed *Dharma*, by assiduous study of Manu's work teaching it (I, 103), and by practising it, as conduct (more than precept) is highest law (*ācāraḥ paramo dharmaḥ*, I, 108). It may be noted, as related to the time when the *Manusmṛti* was recited, that Bhṛgu, who made the communication in the presence of the first Manu, mentions (I, 62) the next six Manu's, ending with Vaivasvata Manu, *as already created.*

The Law of Karma.

A cardinal belief of the Hindu is that it is man's privilege to lead a moral life. Life below the human is not held as

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1. कर्मणां तु विवेकाय धर्माधर्मौ व्यवेचयत् ।
   द्वंद्वैरयोजयेच्चमाः सुखदुःखादिभिः प्रजाः ॥ (१,२६,)
2. यं तु कर्मणि यस्मिन्स न्ययुङ्क्त प्रथमं प्रभुः ।
   स तदेव स्वयं भेजे सृज्यमानः पुनः पुनः ॥ (१,२८)
3. लोकानां तु विवृद्ध्यर्थं मुखबाहूरुपादतः ।
   ब्राह्मणं क्षत्रियं वैश्यं शूद्रं च निरवर्तयत् ॥ (१,३१)
4. गुच्छगुल्मं तु विविधं तथैव तृणजातयः ।
   बीजकाण्डरुहाण्येव प्रताना वल्य एव च ॥
   तमसा बहुरूपेण वेष्टिताः कर्महेतुना ।
   अन्तःसंज्ञा भवन्त्येते सुखदुःखसमन्विताः ॥ (१,४८-४९)
5. यस्यास्येन सदाश्नन्ति हव्यानि त्रिदिवौकसः ।
   कव्यानि चैव पितरः किं भूतमधिक ततः ॥ (१,९५)

governed by moral imperatives. It is guided by instinct, not by volition, based on standards of right and wrong. It is by his own action that man can rise or fall. It is this which makes human birth a thing to be coveted even by the gods. Their condition does not admit of change for the better by one's own effort. Man can raise himself to the level of the gods, and to heights that cannot be reached by them. The law of consequences is universal; it holds in all spheres of life, in its most extended term, so as to include all that is created. Minerals, vegetation, lower animals and superhuman beings are what they are, in virtue of their own past actions. But such actions have been spontaneous. In human beings alone there is deliberate choice, which enables them to be architects of their own fortune. Man can use the law of consequences to lift himself up. He has the scope for the moral life. The power to lead a moral life is made by Manu himself (I, 96-97) the criterion for the gradation of living beings. "Among created beings, those with sentience are the highest; among them those with intelligence (*buddhi*); among these human beings; among men Brāhmaṇas; among Brāhmaṇas the masters of learning; among the learned those who recognize the need to do enjoined rites (*kṛtabuddhayaḥ*), and among them those who *do* perform them: and of these (last) those who realize the *Brahman*."[1] The purpose of human intelligence is to know what to do, and to make one do it in enjoined ways, which lead to the knowledge of the ultimate Reality. Śamkara (in the (*Vivekacūḍāmaṇi*) makes the aspiration for liberation (*mokṣa*) the highest possession, and the most difficult to acquire in men.[2] The function of enjoined duty (*Dharma*) is to guide man towards the highest, to lead the self to self-realization. The heaven of the gods is the place of enjoyment of results (*bhoga-bhūmi*). When one is lifted to it by his *sat-karma*, he dwells in it, as long as the accumulated merit (*puṇya*) lasts, as a lamp burns as long as there is oil in it to feed the flame, and then he drops out, to begin again the soul's pilgrimage. Even perpetual enjoyment of pleasure can cloy and tire; and yet this is the lot of the gods, from which

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1. भूताना प्राणिनः श्रेष्ठाः प्राणिनां बुद्धिजीविनः ।
बुद्धिमत्सु नराः श्रेष्ठा नरेषु ब्राह्मणास्स्मृताः ॥
ब्राह्मणेषु च विद्वसः विद्वत्सु कृतबुद्धयः ।
कृतबुद्धिषु कर्तारः कर्तृषु ब्रह्मवादिनः ॥ (१,९६-९८)

2. दुर्लभ त्रयमेवेतद्देवानुग्रहहेतुकम् ।
मनुष्यत्वं मुमुक्षुत्व महापुरुषसंश्रयः ॥
(विवेकचूडामणिः, ३)

there is no way out for them. This earth is better, because it is the vantage ground for the performance of actions (*karma*)—the theatre of moral life (*karma-bhūmi*) (*Ādiparva*, 64, 39).[1]

The dominating conception of Hindu theory of life is the law of *Karma* and its corollary, the belief in transmigration (*saṁsāra*). The law is an enunciation of causality in the sphere of ethics, and of the law of conservation of energy in the field of morals. Consequences follow action with the inevitableness of a physical law; and no action (*karma*) is lost—be it of thought, word or deed. One reaps only as he sows. A good deed is never lost; nor a bad one, be they ever so minute. Even a little of righteousness will save one from the great fear, says the *Gītā* (II, 40).[2] Even he who makes the great effort to raise himself and slips—the *yoga-bhraṣṭa*—is not lost altogether.[3] A bad end is not for him who endeavours to do the right (*na hi kalyāṇakṛt Kaścit durgatim tāta gaccati*, VI, 40). God is the supreme judge of action (*karmādhyakṣa*).[4] In the eternal and invisible moral scales all action is weighed and credited to the doer. Every day is a day of reckoning. Judgment is not in the remote future of Time, when all souls are mustered up to hear their dooms. A criminal may escape the policeman and the judge, but not the inexorable action of his *karma*. Actions pass beyond the physical plane. Divine justice is certain; it defies evasion. To the self are given possibilities for both good and bad action. He who sins denies the endowment of his soul. We are propelled, we are directed, by our own past action. The unborn self carries with it *vāsanāḥ*, antenatal tendencies, which develop after the self takes the form determined by its past. But its destiny after its reincarnation has yet to be decided by its own acts. The law regards the past as finished, but the future is left a possibility, a potential. Within the bounds of his nature, man has freedom to shape his destiny by his own effort. He can overcome his instincts,

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1. कर्मभूमिस्तु मानुष्यं भोगभूमिस्त्रिविष्टपम् ।
इह पुण्यकृतो यान्ति स्वर्गलोकं न संशय: ॥
इह लोके दुष्कृतिनो नरकं यान्ति निर्घृणा: ॥ (आदिपर्व, ६४,३९-४०, p. १११)

2. नेहाभिक्रमनाशोऽस्ति प्रत्यवायो न विद्यते ।
स्वल्पमप्यस्य धर्मस्य त्रायते महतो भयात् ॥ (भगवद्गीता, २,४०)

3. प्राप्य पुण्यकृतान् लोकानुषित्वा शाश्वती: समा: ।
शुचीना श्रीमतां गेहे' योगभ्रष्टोऽभिजायते ॥ (भगवद्गीता, ६,४१)

4. एको देव: सर्वभूतेषु गूढ: सर्वव्यापी सर्वभूतान्तरात्मा ।
कर्माध्यक्ष: सर्वभूताऽधिवास: साक्षी चेता केवलो निर्गुणश्च ॥
(श्वेताश्व. उपनि १६,११)

detail in many places by injunction and by implication. But, it is significant that the distinction between the two ways of "doing" is followed up by this declaration: "He who sacrifices to the Self, recognizing the Self in all beings, and all beings in the Self becomes a master of his soul (*svārājyam adhigaccati*, XII, 91).[1] Altruistic action makes for liberation.

Transmigration.

A law which does not enunciate the sanctions by which it is enforced will cease to be respected. There *must* be a visible or intelligible retribution for breaches of even an ethical code. *Dharmaśāstra* is a guide to correct conduct. It is based ultimately on *Śruti, i.e.,* the Veda, which represents the spiritual visions of gifted superhuman beings, and on *smṛti,* which is the authentic record of the experience of ancient sages. It rests also on revelation and on empiric data furnished by records of tradition (*itihāsa, purāṇa*). The inexorable nature of the Law of Karma is signified by the fruits that follow deeds. What they are may be experienced in life. Sin is defiance of or dereliction of duty (*Dharma*). A diseased frame is the consequence of a defiance of a law of health. Effects of action may be immediate or ultimate, appearing in this life and in after lives. Thus in ordeals, the appearance of disease or of misfortunes in the family circle of the man who forswears himself, is asked to be noted.[2] Intense sin and super-virtue may manifest their effects even in this life. But in Hindu belief the main effect is on future births. Life, to the person gifted with real vision, is painful and disgusting. Subjection to countless births, through millions of years, is indescribable misery.[3] The self is condemned to such rebirths by its *karma.* Action is retributive in two ways: in other worlds, and in future births. Every act, if it is to have any effect in the hereafter, must give indications of its power even in the present. The result which follows *karma,* is either an imperceptible accompaniment of the deed or an antecedent condition of its future effect. It is termed *apūrva*[4] (*Śārīrakabhāṣya* of Śaṅkara, III, 2, 38). For the good deeds the self may enjoy a sojourn in heaven; or for its sins it may suffer in one of the hells. But there still remains

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1. सर्वभूतेषु चात्मान सर्वभूतानि चात्मनि ।
   समं पश्यन्नात्मयाजी स्वाराज्यमाधिगच्छति ॥ (१२,९१)
2. न चार्तिमृच्छति क्षिप्रं स ज्ञेयः शपथे शुचिः ॥ ८,११५)
3. See the citations in chapter VIII (वैराग्यम्) *in* मोक्षकाण्ड (G.O.S, CII, M. ६६–८४)
4. शङ्करभाष्य, ३,२,३८–३९

itself. These constitute the means of redemption that are called penitential or expiatory (*prāyaścitta*).

A common denominator of all classifications of action or physical, spiritual and mental states in smṛti and philosophy in India is the division into *guṇas*: *sattva, rajas* and *tamas*. They are primordial in origin, and according to the *Gītā* are of Divine creation (VII, 12).[1] They are qualities rather than substance. *Sattva* is characterized by purity (*nirmalatva*) and brightness; *rajas* by energy and passion; *tamas* by sluggishness and darkness. The categories are of universal application. In regard to conduct they will represent goodness, egoism and badness. The qualities may develop in the self. He who has been a *sāttvika* will attain the pure worlds of those who know the Highest. The *rājasic* self is reborn, in active lives; and the *tāmasic* is reborn among the ignoble and the deluded *Gītā* (XIV, 11-15). *Sattva* stands for wisdom, *rajas* for greed, and *tamas* for delusion (*Ibid*., XIV, 16). He who attains liberation (*mukti*) is one who has transcended the *guṇas* (*Ibid*., XIV, 20).[2] Such qualities attach themselves to environment and are normally transmissible from father to son. The division into the four *varṇas* or hereditary castes is stated in the *Gītā* (IV, 13) to be according to *guṇa* (innate quality) and function (*karma*).[3] *Manusmṛti* develops the idea of the determination of future states of the disembodied self, in accordance with the *guṇas* and their sub-divisions into highest, middling and lowest types (XII, 40-50). The outward marks of the possession of the qualities are indicated also in detail. (XII, 31-38). The purpose of the enumerations is to warn off persons from becoming slaves of the wrong types of qualities, and to ask them to cultivate the better; for, if they do not, they will suffer not only in the trends of their dispositions in this life (which will have effects on future states of existence) but also determine their future states of existence, which again, as they are high or low in the scales of created "life," will imply a contraction or an expansion of the vast stretches of time that will be taken before the self attains its liberation from rebirth. Śūdras are born of middle type of *tāmasic* quality, and (XII, 43) Kṣatriyas of the middle type of *Rājasic* quality (XII, 46), and Brāhmaṇas from

1. ये चैव सात्त्विका भावा राजसास्तामसाश्च ये ।
मत्त एवेति तान् विद्धि न त्वहं तेषु ते मयि ॥ (भगवद्गीता, ७,१२)

2. गुणानेतानतीत्य त्रीन्देही देहसमुद्भवान् ।
जन्ममृत्युजरादुःखैर्विमुक्तोऽमृतमश्नुते ॥ (भगवद्गीता, १४,२०)

3. चातुर्वर्ण्यं मया सृष्टं गुणकर्मविभागशः । (भगवद्गीता, ४,१३)

motive of all effort. "It is not praiseworthy to act only from a passion for pleasure (*kāmātmatayā*): but to do so is natural; for, freedom from desire is nowhere to be found in the world. "On desire is founded the study of the Veda, and the performance of actions prescribed by the Veda. Desire is at the root of resolution to take action (*saṁkalpamūla*) ; sacrifices are the results of resolution. Vows, the rules of morality laying down enjoined activity and restraint (*yama-niyamāḥ*), are all based on resolution. Not a single act in the world is done, uninspired by desire (*Kāma*). All that man does is inspired by it." (II, 2-4).[1] Life will end, if it was not perpetuated through the action of *Kāma*. What is required is not eradication of Kāma from human nature, as *that* is both impossible and undesirable but its regulation and sublimation. It is worthy of note that while the leading treatise on *Artha* is by a statesman, that on *Kāma* is ascribed to a sage.[2] The craving for comfort is equally a human, almost an animal instinct. Even the performance of acts of *Dharma* or the gratification of lawful desires is impossible except in association with the acquisition of the material requisites of well-being. Here again, lest their pursuit may not pass beyond the bounds of moral law they should be regulated and refined. *Dharma* must regulate both. If an entire population takes to sex-abstinence, national suteide must follow. The State must be kept up. It is necessary that the student must be protected from sex-temptations during studentship ; but when education is completed he must marry and settle down. The age of marriage, and even the intimacies of wedded life, must be regulated with a social, and not an individual aim. The differences in levels of culture between section and section of the population may need recognition of marriage-forms that do not conform to the higher standards of morality. They have nevertheless to be recognized and regulated. *Savarṇa* unions of the sexes may be the ideal; but *asavarṇa* unions have also to be recognized to prevent widespread concubinage, which will provide for sex unions of the

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1. कामात्मता न प्रशस्ता न चैवेहास्त्यकामता ।
कास्यो हि वेदाधिगमः कर्मयोगश्च वैदिकः ॥
सङ्कल्पमूलः कामो वै यज्ञाः संकल्पसंभवाः ।
व्रता नियमधर्माश्च सर्वे सङ्कल्पजाः स्मृताः ॥
अकामस्य क्रिया काचिद्दृश्यते नेह कर्हिचित् ॥
यद्यद्धि कुरुते किंचित् तत्तत्कामस्य चेष्टितम् ॥ (२,२-४)

2. Kauṭilya composed his *Arthasāstra*. Vātsyāyana composed his *Kāmasūtra*.

kind, but fail to regulate and control them in the interest of the weaker partner and her offspring. Lawless surrender to sex-impulses, which lead to violence and crime, have to be protected against. Vedic ritual, no less than proper family life, requires that there should be constant association of wife and husband. Conjugal duties are therefore within both ethical and civil regulation. The protection of sex becomes a matter for state and society.

Similarly with *Artha.* With social planning on a world-wide scale and for all-time, *Dharmaśāstra* recognizes the right of Property ; while stressing the moral obligations of wealth, and of the affluent it prescribes no special schemes for taxing excessive wealth, guarantees the transmission of property by inheritance, and in every way provides for a stable and prosperous economic order. But, the profiteer, the sweater of labour, the exploiter of husbandry, and the usurer are not held up to scorn. *Dharma* is alive to the possibilities for abuse in mere pursuit of wealth and well-being. Competition is regulated and occupations are fixed, as far as feasible. A proper scale of permanent values is also set up by *Dharma* by which mere wealth confers neither social rank nor political power. Social bankruptcy is provided against by restraining the economic classes from giving up economic pursuits and productive activities.

The harmony of the elements of *trivarga* is what is demanded ; or rather basing *Artha* and *Kāma* under the regulation of *Dharma, Manusmṛti* does not maintain the superiority of *Dharma* to *Artha* and *Kāma.* It refers to the extreme advocacy of each, and concludes (II, 224) that the harmony of all the three is demanded in the interests of man.[1]

The repercussions of the *trivarga* theory on the *varṇa* and *āśrama* organizations are noteworthy. The third *varṇa* is the economically prosperous one ; wealth is concentrated in it ; while the last *varṇa* is conscripted for service to the others. The first and last *āśramas* are mendicant and uneconomic as is the third also. Society is borne by the second *varṇa* alone. Generally speaking, the four *varṇas* would, on the *guṇa* criterion, place the first *varṇa* in *Sāttvika,* the second and third in *Rājasa,* and the last in *Tāmasa.*

The Fourth Puruṣārtha-Mokṣa.

The last aim of life, liberation (*mokṣa*) stands by itself, in view of its supreme importance and its forming, like *Dharma,* the common

1. धर्मार्थावुच्यते श्रेयः कामार्थौ धर्म एव वा ।
अर्थ एवेह वा श्रेयः त्रिवर्ग इति तु स्थितिः ॥ (२,२२४)

denominator or criterion of values of the others. While the problems of producing, conserving, distributing and using up the material requisites of well-being by individuals, groups and by the state and society must be subordinate to certain fundamental requirements of ethico-social standards, represented by *Dharma*, that "conscience keeper, director, and interpreter of proprieties" must itself be adjusted to the demands of the ways and means of the self fulfilling its destiny, by progressing towards liberation. The adjustment of *Kāma* and the proper functioning of its imperious demands to social and ethical norms are no less important than making it subserve the aim of helping men and women to their ultimate goal, for in the Hindu view, woman is not inferior to man in spiritual needs, nor is ultimate liberation less required for the self embodied in woman than for that in man. The critcism that *Dharmaśāstra* is andro-centric, in stressing only what is needed for the economic, political and spiritual evolution of *men*, and not women, is not just. While innate differences in the physical and psychological make-up of the two sexes are admitted by Hinduism, and the weakness of woman, necessitates special measures for her protection, the inequality is not regarded as making for unequal rights to the realization of *mukti*. If woman's physical weakness and her burden of domestic duties as wife and mother will not allow her to go through the elaborate spiritual discipline and education of man, they are borne in mind in providing for her easier ways of attaining the goal, suited to her weakness, functions and pre-occupations. There is no more justification for deeming the rules of Dharma as intended only for men, because they alone are commonly referred to in specification of duties and obligations, than for regarding modern codes as man-centred because only the male sex is alluded to. *Dharmaśāstra* recognizes woman's power to raise herself or to lower herself in the spiritual plane. The special devices for protecting woman and the strict rules for safeguarding her purity are really compliments to woman.[1] In the words of the *Gītā*, social danger is in the offing, when women are corrupted (*strīṣu dūṣtāsuvārṣṇyea jāyate varṇasaṁkaraḥ, 2*, 1, 41). Her need is equal to man's in spiritual advance; but, as her powers and opportunities are restricted, easier modes of advance are devised for her by *Dharmaśāstra*. What is denied her, equally with man, is dealing with her as a unit, separated from the male, and functioning *apart* from the male.. As the interests of society demand

1. "The stricter code of morality applied to women is really a compliment to them, for it accepts the natural superiority of the wOmen,." (S. Radhkrishnan, *Hindu View of Life*, 1927. p. 89).

only means to its attainment. Their value is merely instrumental. Man attains his full stature when he realizes the destiny. The *ātman* is free only when the fetters that bind it to rebirth (*saṁsāra*) are broken. So great a purpose cannot be allowed to be overlooked at any part of one's life. It should be uppermost in the mind at *every* stage of life and in the midst of *every* activity. Action must be purposive, in the sense that its ultimate object is the attainment of this freedom. Release (*mukti*) is the highest good; for, with it are finished the endless cycle of birth and death, and intermediate suffering, spread through milliards of lives in countless forms. There should be only this purpose behind every action and every institution. *Mokṣa* is the touchstone. It tests the fitness of action or institution or motive ; it passes the gold and rejects the dross.

The aspirant for freedom is termed the *mumukṣu.* Every living being is a potential *mumukṣu,* an aspirant for release. In the action-consequence dominated universe, ordered society and life and the organization in *varṇa* and *āśrama,* are divinely provided so that he who climbs to his high destiny may do so, step by step through them, as by a ladder. Every duty or rite points to it. Rarely is one *born* like Śukha or Prahlāda with the divine spark of knowledge that redeems. In the travail of timeless wandering, the self will not shrink from the discipline of an ordered scheme of life that will contribute to its final peace. In the lonely forest, as in the snapping of worldly ties that had till then bound the wandering ascetic (*Sanyāsin*), one may find that freedom from distraction which can generate the mental calm, in which the vision of reality that redeems will appear. But, one need not fly the world, and the duties of his station, if his mind is properly directed to the end—in order to attain it. The social order is devised in order that it might help, and not impede self-realization. Every one can do this bit to help others and himself, in the march to the winning post. It is not he who flies from duties, but he who performs them, that is certain of arrival at the goal. The *mumukṣu* is neither selfish nor asolitary. The etymology of the term defines his attitude; he strives not only for his release but for the release of all others :

Moktuṁ ca vayam, anyāṁśca mokṣayitum icchā mumukṣā.[1]

Salvation is not through selfishness. The Indian ideal is not that of Bunyan's hero running away from his family to escape "the wrath to come." Even the hermit (*vānaprastha*) and the ascetic (*sanyāsin*), who seek in solitude the seclusion and mental calm that

1. Cited by Dr. Bhagavandas, *Science of Social Organization*, 1932, p. 59.

the distractions of the world fail to give them, take on their modes of life, because they cannot do otherwise. Of the four stages of life the last two are optional. Entry into them is only for the person, who has passed through the first two, finished his spiritual training and done his duty as a member of society (*gṛhastha*), and thereby discharged his natal debts. *Manusmṛti* definitely denies *mukti* to the person who thinks only of his salvation and runs away from his duties in society (VI, 37),[1] and its view is endorsed by other smṛtis *e.g.* (Baudhayāna) and the great Epic.

In order that one may consciously devote his efforts to the attainment of the *summum bonum,* he should know what liberation has to offer and envisage the nature of *mukti* (release). The end of life is not the destruction of illusion, as stated by some thinkers. It is not Manu's view. Knowledge of reality is one of the ways of attaining *mukti* ; it is not the *only* way. Moral worth is an essential condition of it. The "Tenfold Law of Duty" VI, 92, (*daśa laṣkaṇāni dharmasya*)—which enforces the obligation to cultivate contentment (*dhṛtiḥ*), forgiveness (*kṣamā*), self-control (*dama*), abstention from unrighteous appropriation of the property of others (*astheyam*), purity (*śaucam*), control of the senses (*indriya-nigrahaḥ*), wisdom (*dhīḥ*), learning (*vidyā*), truth (*satyam*), and freedom from anger (*a-krodha*)—must be first fulfilled before one can contemplate entry into the life of the hermit. It is only those who know the ten-fold law and practise it that become free (lit. "enter the highest state" (*yānti paramām gatim,* VI, 93). Training in the Law is possible only in social life.

Society itself is adjusted to enable the realization of both the means to the end and ultimately the end itself. The child, hardly out of his mother's leading strings, is taken from her and inducted into the elements of self-knowledge (*adhyātma-vidyā*) by his teacher, who takes the place of the father. The *brahmacārin* is not less the son of the *ācārya,* who implants in him the spark of redeeming knowledge, than of the parents who implanted in him his physical life (II, 144).[2] Birth in spiritual learning is superior to physical birth. Both the teacher and the natural parent (*janaka*) are fathers (*pitarau*) but the teacher is greater than the father. Natural birth is the fruit of sex-attraction (*kāmātmatā*) and is subject to decay and death ; not so the spirirual birth through Sāvitrī, which

1. See ६,३७.
2. य आवृणोत्यवितथ ब्रह्मणा श्रवणावुभौ ।
स माता स पिता ज्ञेयः तन्न द्रुह्येत्कदाचन ॥ (२,१४४)

is ageless and immortal (*ajarāmarā*, II, 147-148).[1] The termination of studentship is made the occasion for a ceremonial lustration (*snāna*). Entry into the householder's life is made in a sacramental form. Conception of the unborn child is made similarly. Every step in life is guarded in the interests of the ultimate end. The duties, which are detailed in the smṛti, are declared as extending over the entire duration of life, and they are to be done with Vedic *mantras* for the twice-born who are alone entitled to study the smṛti.[2] Mere virtuous conduct is not enough, even if reinforced by *vairāgya*, (dispassion, freedom from desire). There must be knowledge of cosmic law, the relation of the self to the Self, and of modes of intuiting Reality. Lack of insight drags the self into new births.[3] The fourth stage in a Brāhmaṇa's life is termed the *mokṣāśrama*, because its only purpose is to concentrate attention on liberation. But even *before* it is entered, the *Vedānta* (*i. e.*, the *Upaniṣads*, which reveal the way of the self after disembodiment) must be mastered, according to Manu ; that is, the study must be pursued by the householder.[4] The hermit (*vānaprastha*) is also enjoined to study them 'in order to attain complete union with the Supreme Soul' (VI 29). It is one of the six means of attaining supreme bliss (*niśśreyasam param* ; XII, 83), the others being austerity (*tapas*) wisdom (*jñānam*), control of mind and body (*indriyaniyama*), abstention from injuring any one (*ahiṁsā*) and service to the spiritual guide (*gurusevā*). The list is selective and illustrative, not exhaustive. The vision of Reality frees one from the taint of action.[5] The correct performance of rites enjoined by the Vedas, austerities (*tapas*), the mood of detachment from the senses (*asaṅga*) and *ahimsā* are next declared as leading to liberation.[6] Mere

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1. कामान्माता पिता चैनं यदुत्पादयतो मिथः ।
   संभूतिं तस्य तां विद्याद्योनावभिजायते ॥
   आचार्यस्त्वस्य यां जातिं विधिवद्वेदपारगः ।
   उत्पादयति सावित्र्या सा सत्या साऽजराऽमरा ॥ (२,१४७-१४८)
2. निषेकादिश्मशानान्तो मन्त्रैर्यस्योदितो विधिः ।
   तस्य शास्त्रेऽधिकारोऽस्मिन् ज्ञेयो नान्यस्य कस्यचित् ॥ (२,१६)
3. दर्शनेन विहीनस्तु संसारं प्रतिपद्यते । (६,८४)
4. वेदान्तं विधिवच्छ्रुत्वा सन्यसेत् । (६,९४)
5. सम्यग्दर्शनसंपन्नः कर्मभिर्न निबध्यते । (६,८४)
6. अहिंसयेन्द्रियासंगैर्वैदिकैश्चैव कर्मभिः ।
   तपसश्चरणैश्चोग्रैः साधयन्तीह तत्पदम् ॥ (६,७५)

renunciation of the world (*tyāga*) will not enable one to attain it. The statement in the *upaniṣad* that immortality is not obtained by rites (*na karmaṇā*), by sons (*na prajayā*), by charity (*na dhanena*) but only by *tyāga* (abandonment) is not one that will harmonize with the teachings of Manu ; it will be treated only as a glorificatory exaggeration, meant to stress the value of renunciation.[1] The getting of sons and having grandsons has not only the visible advantage of perpetuating the family, but it is held to confer the invisible benefit of immortality, and higher existences than ours[2] (IX, 137). Gifts are lauded by Manu for their unseen effects (IV, 229-233). The gift of the Veda, *i.e.*, teaching it is praised as securing the giver union with Brahman (IV, I33).[3] He holds the view that enjoined duty cannot be renounced, as a form of *tyāga*, and that what one can, and should give up is not activity that is enjoined (*karma*) but the fruit to activity (*karma-phala*). The best form of action is the disinterested (*niṣkāmakarma*). It has both a specific and an instrumental value ; for of it springs knowledge of the truth about the self. He who is ignorant of the nature of the Self (*an-adhyātmavit*), similarly, does not reap the reward of the performance of enjoined *karma* (*kriyāphalam na aśnute*, VI, 82). *Karma* and *Jñāna* are correlated ; they are complementary. They are neither antagonistic nor mutually exclusive. It is in this sense that tradition sees a unity in the two *Mimāṃsadārśanas*, which begin with an exploration of *Dharma* and end with the discovery of the way of non-return to life.[4]

Sacraments-(Saṃskāra).

The use of the body by the *self* entails the contraction of taints to which a material frame is liable. For the steps in the approach to the ultimate goal of life, *viz.*, liberation, it is necessary that the individual should take it in a condition of purity, physical and invisible. Physical cleanliness is ensured by daily baths or by special baths (*snāna*). Ritual purity is implied in the rules that one should bathe before the mid-day prayer, daily *tarpaṇas* to gods, sages and the manes, and when one has become contaminated by

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1. न कर्मणा न प्रजया धनेन त्यागेनैकेऽमृतत्वमानशुः ।
   परेण नाकं निहित गुहायां बिभ्राजते यद्यतयो विशन्ति ॥ (नारायणोपनिषत्, १० ५)
2. पुत्रेण लोकान् जयति पौत्रेणानन्त्यमश्नुते ।
   अथ पुत्रस्य पौत्रेण ब्रध्नस्याप्नोति विष्टपम् ॥ (९,१३७)
3. सर्वेषामेव दानानां ब्रह्मदानं विशिष्यते । (४,२३३)
4. See मोक्षकाण्ड, Introduction, p. 5

the touch of any object, place or person that communicates a taint *e.g.*, a cremation ground, a dead-body, etc.[1] The day must begin with ablutions which include the bath (IV, 152). Baths should be in rivers, ponds, lakes and springs (IV, 203). A bath is imposed for purification when one has touched a *cāṇḍāla*, a mensturating woman, a *patita* (outcaste), a woman in child-bed, or one who has touched a corpse. Water is the *physical* means of purification (V, 109).[2] The *ācamana* (sipping water, muttering certain *mantras*) is the appointed means of purification (after a bath), and before any rite is begun. The prohibition of nude bathing[3] and of bathing after meals[4] is obviously hygienic.

There are, however, impurities of an 'invisible' nature, which cling to the self, from birth. Their origin and exact character are obscure, but that they have to be removed by special rites is the traditional belief. The result of doing them is believed to confer a special excellence on the person (self). In a *yāga* it implies a purificatory act. The *Dharmasūtras* give a list of about forty *saṁskāras*[5] for the purification of the body and its sanctification[6] by the removal of the taint (*ena*, lit. 'sin') springing from the seed and dwelling in the womb (*baijika*, *gārbhika*).[7] By the sacraments, starting with those done in pregnancy and ending with *upanayana* is the taint removed in the case of *dvija* males, all the *saṁskaras* being done with *mantras*. They cannot overcome heritage derived from parents, who are sinners. The first *saṁskāra* for the unborn self is *garbhādhāna* and the last is *āntyeṣṭi* (II, 16).

The significance of the *saṁskāra* is that it has *adṛṣṭaphala* and should be deemed obligatory. For non-performance of *saṁskāra* of a minor character, the later smṛtis imposed penances or penitential expiations, like *kṛcchra* and *vyāhṛti-homa*, before rectifying the

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1. दिवाकीर्तिमुदक्यां च पतितं सूतिकां तथा ।
   शव तत्स्पृष्टिनं चैव स्पृष्ट्वा स्नानेन शुध्यति ॥ (५,८५)
2. अद्भिर्गात्राणि शुध्यन्ति मनः सत्येन शुध्यति ।
   विद्यातपोभ्यां भूतात्मा बुद्धिर्ज्ञानेन शुध्यति ॥ (५,१०९)
3. न नग्नः स्नानमाचरेत् (४,४५)
4. न स्नानमाचरेद्भुक्त्वा (४,१२९)
5. Gautama (VIII, 14-24) mentions *forty saṁskāras*, but in most smṛtis only *Sixteen* are described.
6. वैदिकैः कर्मभिः पुण्यैर्निषेकादिर्द्विजन्मनाम् ।
   कार्यः शरीरसंस्कारः पावनः प्रेत्य चेह च ॥ (२,२६)
7. बैजिक गार्भिकं चैनो द्विजानामपमृज्यते । (२,२८)

omissions. The only *saṁskāra* for which a light penance was unavilable was the *upanayana* or initiation into *Sāvitrī*. A *dvija* who had not undergone it could not be married. Marriage is a *saṁskāra*, the most important for a woman, as it takes the place of *upanayana* for hęr. All sacraments should be performed for female as well for male *dvijas*, with the difference that in the case of those for women or girls, they should be done (except in the case of marriage) without Vedic *mantras*. Manu rejects them for those of *saṁkara-jāti* (mixed caste), *pratiloma* or *anuloma* equally.[1] Manu declares that the Śūdra does not merit *saṁskāras* (*na ca saṁskāram arhati*); he has neither the obligation to do *dharma* rites, nor is he prohibited from doing them. Śūdras, who are filled with the desire to practise *dharma*, and who understand *dharma*, may imitate the practise of virtuous *dvijas*, *i e.*, do the *saṁskāras* but without uttering Vedic mantras (*mantravarjam*). Not only do they incur no sin by doing so but they gain praise for it (X, 127).[2] Marriage is not a compulsory *saṁskāra* for the male *dvija*, according to Manu, as it is open to him to take up, after finishing his education, the vow of life-long celibacy (*naiṣṭhika brahmacarya*). Manu seems to regard marriage as obligatory for women.

The purpose of *saṁskāras* has to be inferred from the stress laid on each of them. Generally, they may be regarded as developing the personality of the person for whom they are done, as external symbols, or reflections of inward (and invisible) changes that take place as the consequence of doing them. *Upanayana* brings the child into the group of the elect, who cultivate *brahma* knowledge, and confers a status and lays duties on the acolyte. *Saṁskāras* like *garbhādhāna* (impregnation) and *puṁsavana* have a mystic significance, while *vivāha* signifies the merger of two personalities into one, in the interest of the discharge of common obligations to society and god.

Sin and Atonement.

Basing duties on revelation or divine authority makes 'Sins' of derelictions of duty. Where obligations are laid by *Dharma* on any

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1. तावुभावप्यसंस्कार्याविति धर्मो व्यवस्थितः ।
वैगुण्याज्जन्मनः पूर्व उत्तरः प्रतिलोमतः ॥ (१०,६८)

2. न शूद्रे पातकं किंचित् न च संस्कारमर्हति ।
नास्याधिकारो धर्मेऽस्ति न धर्मात्प्रतिषेधनम् ॥
धर्मेप्सवस्तु धर्मज्ञाः सतां वृत्तमनुष्ठिताः ।
मन्त्रवर्जं न दुष्यन्ति प्रशंसां प्राप्नुवन्ति च ॥ (१०,१२६-१२८)

person failure to fulfil them constitutes also sin. Obligations that we would regard as 'civil' have also a supernatural basis. A taint or guilt attaches itself to the person who either fails to do what he is enjoined to do, or does what is interdicted by *Dharma.* Where the omissions or acts affect others, they become offences against man as well as against *Dharma, i.e.* God. Under the inexorable law of Karma, the expiation of an offence is only by its being worked out in its consequences, in as many births as the gravity of the offence needs. *Manusmṛti* (XI, 228 ff.)[1] indicates five ways of expiating sin : by confession, by repentance, by austerities (*tapas*), by reciting the Veda (*adhyayana*) and by charities (*dāna*). The confession has to be open. If an offender does a penance, and pretends that he is only keeping a vow, he fails to expiate the sin.[2] Repentence must be sincere and by the resolution not to offend again.[3] Genuine repentance *may* cancel the taint, but if the sinner is not satisfied that it is, he may perform the prescribed atonements or *prāyaścitta.* Austerity (*tapas*) has miraculous powers, which can be used for redemption of sin.[4] Besides the daily study of the Védas, Manu prescribes the performance of the great sacrifices, according to one's ability as expiation and patient suffering.[5] Austerity means subjection to severe physical strain and pain. In degenerate times one may not rise to the level of those who performed *tapas* in past ages. On the principle of substitution, Manu suggests substitutes for *tapas* : knowledge (*Jñāna*) for the Brāhmaṇa, protection of others (*rakṣaṇa*) for the Kṣatriya, the proper pursuit of trade and agriculture (*vārtā*) for the Vaiśya and service (*sevanam*) for the Śūdra.[6] As these are the prescribed duties of the castes, the implication is that expiation lies in diligent pursuit of one's own *varṇa-dharma,* caste duty.

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1. ख्यापनेनानुतापेन तपसाध्ययनेन च ।
पापकृन्मुच्यते पापात्तथा दानेन चापदि ॥ (११,२२८)

2. न धर्मस्यापदेशेन पापं कृत्वा व्रत चरेत् ।
व्रतेन पाप प्रच्छाद्य कुर्वन्स्त्रीशूद्रदम्भनम् ॥ (४,१९८)

3. *Manusmṛti* XI, 230—233.

4. *Ibid.*, XI, 234—236.

5. वेदाभ्यासोऽन्वहं शक्त्या महायज्ञक्रिया क्षमा ।
नाशयन्त्याशु पापानि महापातकजान्यपि ॥ (११,२४६)

6. ब्राह्मणस्य तपो ज्ञानं तपः क्षत्रस्य रक्षणम् ।
वैश्यस्य तु तपो वार्ता तपः शूद्रस्य सेवनम् ॥ (११,२३६)

Mixture of Crime and Sin.

The standard classification of moral offences is into *great* and *small* sins (*mahāpātāka* and *upa-pātaka*). The five major sins are the slaying of a Brāhmaṇa, drinking spirits (*surā*), theft of gold (*svarṇa-steya*), adultery with the teacher's wife (*guru-talpaka*), which is constructive incest, as father and *guru* are equated and association with such offenders. The number of minor sins (*upa-pātaka*) in *Manusmṛti* is large, about 22 in all, but the list is not exhaustive.[1] The effect of the commission of the offences is loss of caste-status (*patanam*), which means social outlawry. Among the *upa-pātakas* are heresy, apostasy and reading of heretical books. In a society, which bases itself (or claims to do so) on revelation, the heretic is on a par with a rebel in modern states, and the offence is like treason. The practice of dancing, singing, and acting, *as professions*, is *upa-pātaka*. They cannot be civil offences, but may be held to lower the public standards of morality. The inclusion of large mechanical undertakings and the working of mines under the category is inexplicable. Assaulting a Brāhmaṇa, pederasty, cheating and smelling spirits lead to loss of caste. Usury, theft, non-payment of debts, murder and destruction of the virginity of unmarried girls are all lumped together under this category. For these there are civil penalties. Besides these offences, there are a large number that are classified under each of the major and minor sins, from the standpoint of the expiation that should be made for each of them. Elaborate penances are described for the different classes of offences, and a great part of the eleventh book of *Manusmṛti* is devoted to their atonement in ways described in older Vedic literature. For some offences, which involve the loss of *dvija* status, re-initiation (*punar-upanayana*) is prescribed (XI, 151). The normal forms of penance for minor offences is the performance of one of the *five* types of penitential rite, known from the hardship involved as *kṛcchra*, which are described (XI, 212-216), and gradual starvation, following the course of the moon, and accordingly known as *cāndrāyaṇa* (XI, 217-218). Redemption is through suffering. Its effects being physical and psychological can be regarded as reformative.

The prescription of penances for what we would call offence against society, and of civil penalties for religious offences is old and

1. See *Manusmṛti*, XI. 60—71. Yājñavalkya III, 234—242 enumerates 56 *upa-pātakas*, several of which are outside Manu's list.

illustrations of it are to be found in *Sāmavidhāna Brāhmaṇa*. The sentences must be pronounced by a board of three assessors, who will fit the penance to the offence.[1] Among the civil offences for which Manu indicates penances are murder, adultery, incest, unnatural sex offences, abortion, procuring, seduction, rape, abduction of women and children, perjury, cruelty to animals, theft of every kind, and criminal misappropriation. There are inexpiable crimes, which correspond to capital offences. It is to be noted that penance and civil penalties are *not* alternatives. As every crime is an offence against society as well as against God, *both* sentences run concurrently. A penance is not a substitute for punishment; it is a penalty. The Indian attitude to punishment comes out in the identity of outlook. The purpose of punishment is not to vindicate the outraged majesty of law or the State, or the application of a principle of retaliation; it is remedial. The criminal and the sinner have souls. The punishment of the body of a sinner can hardly go far; it is limited by one life, in the most extreme cases. Punishment purifies; it purges the offence.[2] One may escape the civil power of the State, after committing a crime; but he cannot escape the law of Karma. Grave sins or crimes, in Indian belief, show their effects even in this life. Retribution follows even in this existence, and in any case is inescapable in the next birth.[3] Diseased nails, black teeth, pthisis, deficiency in limbs, stinking breath, dyspepsia, dumbness, leucoderma, lameness, partial or total blindness, oedema, idiocy, deafness and physical deformity result from the sins of past lives.[4] Such features are likely to be repeated in future lives also, unless expiated in this.[5] The graver the offence the harder the self-chosen penalty.[6] A great public service like defending the life or property of another and dying in defence of it then frees a murderer of even a Brāhmaṇa from the guilt of brahmahatyā[7]. A Brāhmaṇa thief, who steals a Brāhmaṇa's

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1. तेषां वेदविदो ब्रूयुः त्रयोऽप्येनःसु निष्कृतिम् ॥ (११,८६)
2. राजभिर्धृतदण्डास्तु कृत्वा पापानि मानवाः ।
   निर्मलाः स्वर्गमायान्ति सन्तस्सुकृतिनो यथा ॥ (८,३१८)
3. इह दुश्चरितैः केचित् केचित्पूर्वकृतैस्तथा ।
   प्राप्नुवन्ति दुरात्मानो नरा रूपविपर्ययम् ॥ (११,१४८)
4. मनु, ११,४९–५३
5. मनु, ११,५४
6. मनु, ११,८३-८९
7. ब्राह्मणार्थे गवार्थे वा सद्यः प्राणान् परित्यजेत् ।
   मुच्यते ब्रह्महत्यायाः गोप्ता गोब्राह्मणस्य च ॥ (११,८०)

gold, is freed of guilt, when he goes to the king with a club, asks to be struck down with it and is killed.[1]

Excommunication (Patana).

Crime leads to a fall from caste status, and in grave cases it puts a person outside the four *varṇas* as an outcaste (*patita*). Association with an outcaste renders a person liable to the same expiation for rehabilitation as the outcaste himself.[2] Expulsion from caste is done by a ceremony, more fully described in *Dharma sūtras*. An outcaste is treated as civilly dead (*Ibid.*, 183).[3] His share of inheritance passes to the next heir (*Ibid.*, 186). Re-admission is possible through undergoing prescribed penances. A person convicted to branding for crimes is treated as an outcaste. He is *completely* cut away from all social intercourse, religious communion, matrimonial alliances, family ties, declares Manu[4] (IX,239). Expiation requires the co-operation of one's castemen. In driving one out of society after branding him, he is deprived of both the chance of rehabilitation into society, and of recovery in the next. The effect of the punishment stretches beyond this life ; it is more terrible than capital punishment which, when undergone, cancels post-mortuary consequences of the sin. Dishonor in this world, where he has been treated with almost, divine honors, and degradation in future births, are the effects of denial or the withholding of the death penalty for grave crime committed by the first *varṇa*. In estimating the incidence of the penal code the effects of the combined penitential and punitive sentence must be borne in mind. Failure to do so has led to charges of unfair discrimination in favour of high born criminals. Culpability increases with status. If a commoner is fined one *paṇa*, for the same offence the king should pay a thousand *paṇas* (VIII, 336). In theft, the culpability of a Brāhmaṇa is eightfold that of the Śūdra, or even fifteen times the Śūdra's, four times that of the Vaiśya and twice that of a Kṣatriya (VIII, 338).

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1. सुवर्णस्तेयकृद्विप्रो राजानमभिगम्य च ।
स्वकर्म ख्यापयन्ब्रूयान्मा भवाननुशास्त्विति ॥
गृहीत्वा मुसल राजा सकृद्धन्यात्तु त स्वयम् ।
वधेन शुध्यति स्तेनो ब्राह्मणस्तपसैव वा ॥ (११,९९-१००) cf. ८,३१४-३१६

2. यो येन पतितेनैषां ससर्गं याति मानवः ।
स तस्यैव व्रतं कुर्यात् तत्संसर्गविशुद्धये ॥ (११,१८१)

3. पतितस्योदक कार्यं सपिण्डैर्बान्धवैः सह ॥ (११,१८२)

4. ज्ञातिसंबन्धिभिस्त्वेते त्यक्तव्याः कृतलक्षणाः ।
निर्दया निर्नमस्कारास्तन्मनोरनुशासनम् ॥ (९,२३९)

Some Missing Ideas in Hindu Social Theory.

In attempting to visualize the background of Hindu social thought we must grasp certain lacunae in ideas or slogans which are prominent in modern thought. *First* among them is the idea of '*rights*.' *Dharma* means inherent disposition or property or trend, and in the science of conduct, it stands for *duty* that is enjoined. It is more than a moral and sub-conscious urge; it is an imperative from the highest source. One may discover it by reference to his own *educated* conscience, or *trained* intuition, or the mental satisfaction (*ātamanastuṣṭiḥ*), or by its meeting the urge of the self (*svasya priyam* or *ātmanaḥ priyam*)[1]. A natural impulse or mere animal instinct is no criterion of *Dharma.* Impulses and instincts have to be trained, controlled and canalized before they can be trusted to be safe guides for action. This is why Indian thought leans on authority and finds it in the highest and the most unimpeachable, *viz*, *śruti* (the Veda) and tradition (smṛti). In moral referees, both rectitude in conduct and learning (as represented by mastery of the scriptures, the Vedas, and the sciences or *śāstras*) are required. The *Śiṣṭa,* whose decision is to be followed in doubtful points of conduct or *Dharma,* is (as the etymology of the word denotes) a *trained* thinker. Manu (XII, 109) defines the *Śiṣṭa* as one who has "acquired" (*adhigata*) the Vedas and their appanages (*aṅgāni*) in the traditional manner *i.e.,* (through proper teachers and in the proper *āśramas*), and who is a *śrutipratyakṣahetu*—a compound expression, which is interpreted by commentators in different ways.[2] Medhātithi, for example, gives two alternative renderings of this important expression: (1) he who regards the Veda as equal to proof by perception or (2) he who relies upon Vedic texts that are visible (easily found). The expression may also mean that both Veda and perception are relied on by such men as proof. Reliance is on the Veda and cognition by perception alone (to the exclusion of mere inferential proof). He includes among the *aṅgas,* the *Mahābhārata.* Practice of the *elite* (*ācāra*) is a more trustworthy guide than precept (II, 6). Rights are by-products or result from the enforcement of duties. Protection (*rakṣaṇa*) is the duty (*Dharma*) of the king. When it is efficiently done, every one receives protection. The emphasis is shifted from the beneficiary to the one who has to confer the benefit. The assertion of

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1. याज्ञवल्क्य, १,७
2. धर्मेणाधिगतो यैस्तु वदः स परिबृंहणः ।
   ते शिष्टा ब्राह्मणाः ज्ञेयाः श्रुतिप्रत्यक्षहेतवः ॥ (१२,१०९)

rights or claims betrays. *ahaṁkāra*, egoism, which is looked down upon in Indian thought. *Dharma* is moral and spiritual responsibility.

The second missing idea is that of *equality* as a political and social ideal. In a universe in which uniformity and law dominate, there can be no assertion of natural equality. The concept of equality is a deduction not from facts but from aspiration or supposed needs. *Enforcement* of equality will be putting every one in a Procrustean bed. Inequality, not equality, is what is found in nature. No two persons are exactly equal to each other, physically, mentally and spiritually. The sexes have different functions, often different psychological traits, and differences of physical strength and constitution. Even in the field of politics, the application of the principle of counting heads, or votes, has been condemned by political thinkers, like Burke and J. S. Mill. Men and women do not start with the same initial equipment in strength or intelligence. Men are not placed, all in the same conditions, to make a universal rule applicable to them all. Conditions change, and require re-adjustments to suit them. The doctrine of *āpad-dharma,* (duties in exceptional circumstances) which is enforced by *Dharmaśāstra,* enforces this principle. No two persons are constituted in exactly the same way. Their requirements are not always identical. Their psychological make-up is often different; their physiological needs vary. We have to allow for inequalities springing from age, education, health, and disease. Glib references to 'equality before the law' fail to take note of inequalities for which the judge, who enforces the law, has to allow. A minor, an idiot, and a person sunk in senility are not to be treated as equal to healthy persons in maturity. In administering penal law, note has to be taken of varying degrees of consciousness. In spite of the slogan of equality of every one before the law, differentiation has to be made on one ground or another. Even as an ideal in the administration of justice, equality can work wrong. Human attitudes to crimes change with circumstances and changed social ideas. The sanctity of property will disappear in a communist regime. Punishment cannot in equity be enforced in a penal code absolutely on the principle. The Hindu penal law is not the only one, which has made differentiation; but, where it has done it, it has been done *openly* and on a principle of recognizing the needs of social peace, discipline (as we may call it) in a "planned" society, social equipoise, and *ultimate* values. The classification into *varṇas* is explained on the basis, not only of functions to be discharged but of initial psychic differentiation. It is founded on the differences of temperament of psychic drift, known as *guṇa.* The scale of *guṇas* may be likened to that of scales of personal development. The fourth *varṇa* is placed

as in the scale, as it represents the *karmic* consequences of *tāmasa-guṇa* in previous births. Such a statement as that a person is born as a Śūdra, and is raised by *karma* to the rank of a *dvija,* refer to this belief, and not to the promotion of the virtuous Śūdra. Every *dvija* child is a Śudra, in effect, till he is initiated.[1] Some of the disabilities of women, and the treatment of even *dvija* women as on a par with Śūdras, is due to the omission of the rite in their case. In the scheme of society envisaged in *Manusmṛti,* equality, in a civil sense, is treated as a myth. There is no equality in status and emoluments. Human needs, no less than human powers, emphasize inequality. The recognition of the fact is essential to advancement of the individual (self) and the group.

Equality exists only in one sense : *cosmic* equality. The self is basically the same in all ; its ultimate need of liberation is the same for all. The route it has to follow, through endless time, is the same, and the basic features of Dharma enjoined for every one are the same. To the Highest Reality and His inexorable law all selfs are equal. Redemption is the ultimate destiny of every one, and it springs in every case from the same instrument, the discharge of duty (*sva-dharma*). It is only before the Infinite that the fundamental equality of every self emerges. There is no exception, and there will be no omission. If even one soul is unredeemed eventually, there will be a failure of cosmic justice. In the long march to self-realization, the marks of inequality drop off, one by one, till the released *ātman* attains the perfection which is the mark of the Divine.

1. शूद्रेण हि समस्तावत् यावद्वेदे न जायते (२, १८२)

LECTURE IV

OUR SOCIAL HERITAGE

The feature of Indian society that strikes a foreign observer as distinctive of it is what is termed *caste,* and what Hindus call *varṇāśrama-dharma.* It is undoubtedly a cardinal item in our social heritage. Those who speak of caste as unique overlook the natural tendency for the formation of social groups on the basis of such things as belief in a common origin, common avocations and community of interests, and for their stabilisation for common defence. Hegel long ago pointed out that superficially the system of classes in mediaeval Europe resembled caste. The clergy, the nobility, the burghers and the serfs and proletariat formed groups not unlike the four Hindu *varṇas.* Class cleavage created class pride, which was signified by confining marriages to those within a group. Even now there is a royal caste in Europe, and the marriage of royalty to a commoner is resented by the class. In countries in which there is supposed to be no privilege, pride of belonging to a few families descended from original immigrants makes a close endogamous group in the United States of America. We have in the half-bloods of Spanish America groups that correspond to the mixed castes of Hindu smṛtis. Connubium and commensality are not criteria exclusively found in Indian caste. It has been so in other countries and also in ancient times.[1] In ancient Iran the fourfold grouping into *atharva* (priest), *rathestha* (warrior), *vāstrya-fṣuyant* ("head of the family") and *huiti* (manual worker) corresponds to the fourfold grouping of the Indian people into Brāhmaṇa, Kṣatriya, Vaiśya and Śūdra.[2] The resemblance goes further. As in India, the first three groups of old Iran constituted a higher division, marked from the the lower (comprising the body of manual workers) by a ceremony of initiation and investiture with the sacred

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1 *Connubium* was the right of contracting a valid Roman marriage with all its consequences (*matrimonium justim*) in law. As such a marriage could take place only between persons of equal status, the Patricians and Plebeians had for a long time separate *connbium,* until 445 B.C. when the two orders were equalised in this respect by *lex Canuleia* (para 121, W.E. Heitland, *Roman Republic,* vol. I., 1909).

2. Max Duncker, *History o Antiquity,* Trn. E Abbot, vol. V., pp. 184—200.

thread. If the correspondence between the two systems of ancient India and Iran be considered to be defective on the ground that the last group in Iran, when admitted to Zoroastrianism, was held to be entitled to the rite of initiation (a point that has been questioned by some *savants*), one might point to the rule of Manu[1] (X, 127) giving the Śūdra the right to perform Vedic rites without however using *mantras*. We may also refer to the inclusion of Śūdras in the *varṇa* grouping, and their being held to have "*Ārya-prāṇa*" (Aryan life)[2] which made them immune from slavery (*na tu Āryasya dāsabhāvaḥ*)[3] according to Kauṭilya. The colour strife of modern times has undoubtedly strengthened the case of those who see in the Indian *varṇa* divisions of the original cleavage between the fair-skinned Aryans and the dark-skinned Dasyu (*kṛṣṇa-tvaca*). But the Veda shows that the antagonism between Ārya and Dasyu (or Dāsa) was as much on grounds of difference of cults, speech and bodily appearance. The contrast is between Ārya and Dāsa, and there is no reference to the Brāhmaṇa and Kṣatriya (Rājanya) by *varṇa*, though they were already castes in the Ṛg-Veda period. It is probable that the conquered Dāsa or Dasyu become a Śūdra, though all Śūdras cannot be traced back to a servile origin. The transformation would bring an enemy, who stood outside the community, within its pale. The exclusion of the Śūdra from religious rites of a Vedic type might be due to the original antipathy of the Dasyu (on cultural and cult grounds) to Vedic rites. Original disinclination is translated into involuntary exclusion. The old difference is perhaps implied in the identification of Śūdra and *Anārya* by Gautama.[4] The old resentment and contempt persist in the descriptions of a Śūdra (originally a Dasyu) as a walking cemetery[5] because of his love of meat, and his comparison with a beast of burden. A tradition also persists that the Supreme Being created the the upper *varṇas*

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1. धर्मेप्सवस्तु धर्मज्ञाः सतां वृत्तिमनुष्ठिताः ।
मन्त्रवर्ज न दुष्यन्ति प्रशंसां प्राप्नुवन्ति च ॥ (१०,१२८)

2. आर्यप्राणो ध्वजाहृतः कर्मकालानुरूपेण मूल्यार्धेन वा विमुच्येत ॥
(कौटिलीय अ. शा., p. 183)

3. म्लेच्छानामदोषः प्रजां विक्रेतुमाधातुं वा । न त्वेवार्यस्य दासभावः (*Ibid.* p. 181)

4. शूद्रो द्विजातीनतिसंधायाऽभिहत्य च वाग्दण्डपारुष्याभ्यामङ्गं मोच्यो येनोपहन्यात् ।
आर्यस्त्रियमभिगमने लिङ्गोद्धारः स्वहरणं च ॥ (गौतम. ध. सू, १२,२-३)

5. एके वा एतच्छ्मशान ये शूद्राः ।
श्मशानमेतत्प्रत्यक्षं ये शूद्राः पापचारिणः ।
तस्माच्छूद्रसमीपे तु नाध्येतव्यं कदाचन ॥ (वसिष्ठः, १८,११,१३)

alone from Vedic metres (*gāyatrī, triṣṭubh* and *jagatī,*)[1] which is found in the *Aitareya Brāhmaṇa*[2] (V, 12). The system of four *varṇas* was already settled in the Vedic period. The ascription of the famous *Puruṣasūkta*[3] to a later period than the other parts of the *Ṛg-Veda,* does not alter the fact that the institution was already a settled fact by that time.

It is difficult for outsiders to perceive the spirit behind an institution, and often to understand even its superficial features. The errors in the description of the seven castes of India by Megasthenes are classical. What is peculiar to the Indian system is the meaning and purpose ascribed traditionally to it. Megasthenes saw the endogamous nature of the *varṇa* and the occupations that alone could be followed by a *varṇa.* His missing the inner purpose and meaning of the system is not surprising, as outsiders cannot visualize the philosophy of life to which they are related.

The origin of the *varṇas* has been stated in many legends, and of the cause of differentiation in philosophical literature. The most famous of the legends is that of the *Puruṣasūkta-Puruṣa,* who is identified with the universe ("whatever has been and shall be") and the source of the Sun, the Moon, Indra, Agni and Vāyu as well as the quarters, the heavens, the sky, the earth, etc., is said to have produced the Brāhmaṇa from his mouth, the Kṣatriya from his arms, the Vaiśya from his thighs and the Śūdra from his feet. This tradition is repeated by Manu[4] (I, 31). The purpose of the creation is stated by Manu as 'the progress of the world' (*lokānam ca vivṛddhyartham*). The expression has elicited a great deal of commentary.[5] The *lokāḥ* is inclusive of *all* worlds: and the creation of the four *varṇas* in this world of ours is said to be for the good of both our world as well as of other worlds than ours. This carries the implication, to which reference has been made in the previous lecture, of the interdependence of worlds and their denizens, and of the way in which the universe is balanced by their harmonious reciprocity in service. *Vṛddhi* means

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1. गायत्र्या ब्राह्मणमसृजत, त्रिष्टुभा राजन्यं, जगत्या वैश्यं, न केनाचित् छन्दसा शूद्रंमित्यसंस्कार्यो विज्ञायते ॥ (वसिष्ठः, ४,३)

2. ऐतरेयब्राह्मण, ५,१२ Trn. (A. B. Keith, *Ṛg Veda Brāhmaṇas,* pp. 128—129.

3. *Ṛg Veda,* X, 90, 12.

4. लोकानां तु विवृध्यर्थं मुखबाहूरुपादतः ।
ब्राह्मणं क्षत्रियं वैश्यं शूद्रं च निरवर्तयत् ॥ (१,३१)

5. J. Jolly's *Manuṭikā Saṁgraha,* p. 24.

both "prosperity" and "progress." The allusion is not so much to the inhabitants of the worlds collectively, as to each being individually. The individual being is only a soul encased in a body. Progress is that of the self, not of the body. *Varna* or caste relates to the body, not to the self. As described in the *Chāndogya Upaniṣad* (V, 10, 7) a person's birth in a particular form, as Brāhmaṇa, or Śūdra depends on his *karma* in a past birth [1] His *varna* is thus the consequence of his own past actions. Actions in this birth will similarly determine the *varṇa* in which the self will incarnate in the next birth. A man's *varṇa* is part of the retributive justice that pursues the self from birth to birth. The *varṇa* differentiation itself is said to have sprung from *karma* ; this world is *Brāhma* (creation of Brahma), and it has evolved *varnas* by action (*sarvam brāhmam idam jagat, karmabhir varnatām gataḥ*[2] Śāntiparva, 186, 10). Man attains a superior *varṇa* by righteous acts.[3] (*Ibid*, 297, 5). One cannot change his heritage by his volition; he must work it out by his *karma* in this life. It is by fulfilling faithfully the duties of his *varṇa* and status that one may ascend in the social scale. The arrangement of the *varṇas* in an order of superiority is not merely a recognition of an accomplished fact ; it is a device for the future ascent of those who are now low in the scale. In the work of reclamation of the submerged, the close association with the spiritually highest, the *varṇa* whose members must have some *vāsanā*, (inherited trend, from their past birth) is most indicated. This is the reason why the last *varṇa* is conscripted for personal service to the twice-born in general and to the Brāhmaṇas in particular. The intimacy born of daily association and the example of the spiritual *elite* are means of salvaging the lowest *varṇa*. Society, made up of different cultural or spiritual levels, cannot be transformed in a day. The process of assimilation must necessarily be slow. The idea that every child is a *śūdreṇa samas tāvad yāvat vede na jāyate*[4] is that the child and the Śūdra are on a level. Both have to be raised by education ; the *dvija's*

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1. तद्य इह रमणीयचरणा अभ्याशो ह यत्ते रमणीयां योनिमापद्येरन् ब्राह्मणयोनिं वा क्षत्रियं योनिं वा वैश्ययोनिं वाथ य इह कपूयचरणा अभ्याशो ह यत्ते कपूयां योनिमापद्येरन् श्वयोनिं वा सूकरयोनिं चण्डालयोनिं वा। (छान्दोग्योपनिषत् ,५,१०,८)

2. न विशेषोऽस्ति वर्णानां सर्वं ब्राह्ममिदं जगत्।
ब्राह्मणाः पूर्वसृष्टा हि कर्मभिर्वर्णतां गताः॥ (शान्तिपर्व १८६,१०-१४)

3. वर्णोत्कर्षमवाप्नोति नरः पुण्येन कर्मणा।
दुर्लभ तमलब्ध्वा हि हन्यात्पापेन कर्मणा॥ (शान्तिपर्व २९७,५)

4. मनु, २, १७२.

child is raised by his *upanayana* (initiation), his rebirth, while the "spiritual" child, of the Śūdra will learn by service to the elect the means of redeeming himself in the next birth.

The same lesson is contained in some of the legends of the origin of *varṇas*. They describe how originally there was only one *varṇa* in the beginning and Brahman alone existed, and He created other gods who partook the features of valour, (*kṣatra*), vaiśya-hood and service for progress through variation. These divisions which existed in the divine regions were reproduced in this world.[1] (*Bṛhadāraṇyaka Upaniṣad*, I, 4. 11-15). *Mahābhārata* alludes to a tradition that in the beginning in the Golden Age (*Kṛtayuga*) the only *varṇa* was that of the Brāhmaṇas, who became differentiated by their *karma*.[2] Their assignments to other *varṇas* were according to the dispositions they manifested. The deterioration of some sections of mankind, as compared with others is crudely explained as due to the parts of the body of the Supreme Being from which they sprang. This idea is implied in *Manusmṛti* (I, 93)[3] where it is stated that the Brāhmaṇa is by right the lord of creation, as he sprang from the mouth of the Creator, as he was the first born and possesses the Veda.

The birth in the four *varṇas* in the process of transmigration is elaborately explained by Manu, in the eleventh. The Supreme Being pervades all beings with three qualities (*guṇa*) : *sattva, rajas* and *tamas* (XII, 24).[4] These manifest themselves in disposition, temperament and knowledge in various forms and degrees. Each of these again may be graded as the best, the middling and the lowest. The nine classes

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1. बृहदारण्यकोपनिषद्, (१,४,११-१५)

2. ब्राह्मणाः पूर्वसृष्टा हि कर्मभिर्वर्णतां गताः ।
कामभोगप्रियास्तीक्ष्णाः क्रोधनाः प्रियसाहसाः ॥
त्यक्तस्वधर्मा रक्ताङ्गास्ते द्विजाः क्षत्रतां गताः ।
गोषु वृत्तिं समाधाय पीताः कृष्युपजीविनः ।
स्वधर्मान्नानुतिष्ठन्ति ते द्विजा वैश्यतां गताः ॥
हिंसानृतप्रिया लुब्धाः सर्वकर्मोपजीविनः ।
कृष्णाः शौचपरिभ्रष्टाः ते द्विजाश्शूद्रतां गताः ॥
इत्येतैः कर्मभिर्व्यस्ता द्विजा वर्णान्तरं गताः ॥ (शान्तिपर्व १८३,१०-१४)

3. उत्तमाङ्गोद्भवाज्ज्यैष्ठ्याद्ब्राह्मणश्चैव धारणात् ।
सर्वस्यैवास्य सर्गस्य धर्मतो ब्राह्मणः प्रभुः ॥ (१. ९३)

4. सत्त्व रजस्तमश्चैव त्रीन् विद्यादात्मनो गुणान् । (मनु. १२,२४,)

of innate dispositions or heritage (*guṇāḥ*), determine the bent of the self that is animated by it. The *guṇas* are primordial. Manu states that in creation itself the selves were affected by *guṇas*.[1] Classification by *guṇa* may be described roughly as differentiation by psychic differences in initial equipment. The *Gītā* puts into the mouth of the Lord the statement that the system of four *varṇas* (*cātur-varṇyam*) was created by Him (*mayā sṛṣṭam*) according to differences of *guṇa* and *karma*.[2] The allotment of specific duties to each of the *varṇas* follows this principle of making functions tally with the inherited trend of the *varṇa*.

Thus in the system there are two features: firstly, birth in a *varṇa* is the result of the combined effect of the innate *guṇa* of the *self* and its action (*karma*) as moulded by the *guṇa* in the past births; secondly, duties are assigned to each *varṇa* in such a way that by sedulous discharge of them, the self may be raised to a higher plane in the next birth, and ultimately attain liberation.

It will be noticed that the *guṇas* correspond to the triple division of primary appetites or ends of existence, *puruṣārthas*; *sattva-guṇa* corresponds to Dharma, *rajo-guṇa* to Artha, and *tamo-guṇa* to Kāma (mere desire). Translated into the *varṇas*, the first *varṇa* is the consequence of past *sattva-guṇa* and its members start with an initial *vāsanā* of *sattva*, the second and the third are the embodiments of the drive of *rajo-guṇa* from the past birth, and the last of *tamo-guṇa*. Translated into terms of *puruṣārthas*, the first *varṇa* stands for Dharma, the second and the third for Artha and Kāma, and the last for only animal desires (*Kāma*).

We may now turn to the functions of each *varṇa*, as laid down in all *śāstras*, and as repeated by Manu, on the authority of the Creator (I, 87-91):[3] teaching and study of the Veda, sacrificing for his own benefit and for others, giving and accepting gifts for the Brāhmaṇas;

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1. महान्तमेव चात्मान सर्वाणि त्रिगुणानि च । (मनु १. १५)
2. चातुर्वर्ण्यं मया सृष्ट गुणकर्मविभागशः । (भगवद्गीता ४,१३)
3. अध्यापनमध्ययनं यजन याजनं तथा ।
दान प्रतिग्रहं चैव ब्राह्मणानामकल्पयत् ॥
प्रजानां रक्षण दानमिज्याध्ययनमेव च ।
विषयेष्वप्रसक्तिश्च क्षत्रियस्य समासतः ॥
पशूनां रक्षण दानमिज्याध्ययनमेव च ।
वणिक्पथं कुसीद च वैश्यस्य कृषिमेव च ॥
एकमेव तु शूद्रस्य प्रभुः कर्म समादिशत् ।
एतेषामेव वर्णानां शुश्रूषामनसूयया ॥ (१,८८-९१)

protecting the people, bestowing gifts, offering sacrifices, studying the Veda and abstaining from attaching himself to the gratification of the senses (*viṣayeṣu anāsaktiḥ*), for the Kṣatriya; tending cattle. bestowing gifts, offering sacrifices, studying the Veda, trading, lending money and cultivation of land for the Vaiśya; and serving without ill-feeling the other *varnas* for the Śūdra. Looked at as duties as well as means of subsistence, Manu declares that the three means of subsistence, for the Brāhmaṇa are teaching, sacrificing for others and receiving gifts; for the Kṣatriya the bearing of arms, and trade, agriculture, and cattle-rearing for the Vaiśya. Among the occupations the most commendable are teaching the Veda for the Brāhmaṇa, protecting the people for the Kṣatriya, and trade for the Vaiśya.[1]

A feature to note in the prescription of duties and professions is that in every case the aim is to benefit not so much the doer as others. By the study of the Vedas, the world flows with milk and honey[2] (II, 107), sins are dissolved (XI, 263)[3] and taints arising from them are removed (XI, 245-246)[4]. The householder performs the five daily sacrifices to remove the guilt of taking life in the "five slaughter houses" of the house (III, 68-69)[5]. Specific sacrifices are described as having specific effects of a transcendental nature. In his public capacity a king is bound to perform them[6] (VII, 78-80). Their potency is so great that it should not be done for unworthy men[7] (III, 65). In the desire to do a sacrifice, a Brāhmaṇa

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1. मनु, (१०,७४-८०)
2. यः स्वाध्यायमधीतेऽब्द विधिना नियतः शुचिः ।
   तस्य नित्य क्षरत्येष पयो दधि घृतं मधु ॥ (२. १०७.)
3. यथा महाह्रदं प्राप्य क्षिप्त लोष्टं विनश्यति ।
   तथा दुश्चरित सर्वं वेदे त्रिवृति मज्जति ॥ (११,२६३)
4. वेदाभ्यासोऽन्वहं शक्त्या महायज्ञक्रिया क्षमा ।
   नाशयन्त्याशु पापानि महापातकजान्यपि ॥
   यथैधस्तेजसा वह्निः प्राप्तं निर्दहति क्षणाद् ।
   तथा ज्ञानाग्निना पाप सर्वं दहति वेदवित् ॥ (११,२४५-२४६)
5. पञ्चसूना गृहस्थस्य चुल्ली पेषण्युपस्करः ।
   कण्डनी चोदकुम्भश्च बध्यते यास्तु वाहयन् ॥
   तासां क्रमेण सर्वासां निष्कृत्यर्थं महर्षिभिः ।
   पञ्च क्लृप्ता महायज्ञाः प्रत्यह गृहमेधिनाम् ॥ (३,६८-६९)
6. पुरोहितं च कुर्वीत वृणुयादेव चर्त्विजः ।
   तेऽस्य गृह्याणि कर्माणि कुर्युर्वैतानिकानि च ॥ (११. ७८)
7. अयाज्ययाजनैश्चैव..............
   कुलान्याशु विनश्यन्ति.........(३. ६५)

may not impoverish by it his family and dependants[1] (XI, 40). Teaching the Veda is economically unremunerative, as it has to be done free ; he who receives money for teaching the Veda incurs a great sin. The Indian teacher exacts no fees from his pupils nor does he expect them, while he treats them as members of his own family. Teacher and pupil share the alms. Liberality is one of the means of expiation and of acquiring merit. He who has must give freely. But he who receives gifts (*pratigraha*) lowers himself.[2] Charity blesseth him who gives, not him who takes it. Wealth is regarded as a social trust. It has to be put to proper and unselfish use. The prohibition of the Kṣatriya and the Vaiśya to teach the Veda, to do sacrifices for others and to accept gifts is based on reason. The Vaiśya was the affluent person in society, whose protected condition enabled him to accumulate wealth and enjoy it Persons engaged in vital economic occupations should not be diverted from them in order to attend to their supposed spiritual welfare. An agriculturist and a trader serve the community best by the zealous pursuit of their own occupations. If a Kṣatriya, who represents the armed might of the community, takes to accepting gifts, the gifts may often be exactions instead of being free offerings. Instead of protecting society, he will prey upon it. The conduct of a sacrifice requires expert knowledge, which it will take years of patient study to acquire. Men steeped in the avocations of the world cannot be expected to master the technique. Society will be sterilized economically if every one claimed the right to become a cleric or a conductor in a *yāga*. Lastly, society is held to be founded upon the willing service of the proletariat class which has to do the menial services that require neither training nor superior knowledge. As the Śūdra was not the slave that he might have been, under other organizations, it was not possible to erect an edifice of culture, as in ancient Athens, on the foundation of slavery. Kauṭilya rules that no Ārya can be made a slave. He recognizes both free and servile elements in the Śūdra *varṇa*, and permits the pledge of even an Ārya in a time of distress. In *Manusmṛti* the word *dāsya* as applied to Śūdra denotes only service and the words *krīta* and *a-krīta* used to

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1. तस्मान्नाल्पधनो यजेत् (११. ४०)

2. प्रतिग्रहसमर्थोऽपि प्रसङ्गं तत्र वर्जयेत् ।
प्रतिग्रहेण ह्यस्याशु ब्राह्मं तेजः प्रशाम्यति ॥
अतपास्त्वनधीयानः प्रतिग्रहरुचिर्द्विजः ।
अम्भस्यश्मप्लवेनेव सह तेनैव मज्जति ॥ (४,१८६;१९०)

describe two types of Śūdra (VIII, 413),[1] though usually translated as "bought" and "unbought," are rightly interpreted by the commentators as "hired" or maintained in consideration of service" (*bhaṭādi bhṛtāṁ vā dāsyaṁ kārayet*). It was servitude, not slavery of the recognized pattern. This is why slavery (*dāsyaṁ*) is brought under contract. The deprival of *full* freedom to act was treated, on analogy, as servile. This is why an apprentice (*antevāsin*) who works for his master without a wage and is merely given food and board, is considered by Yājñavalkya (II, 184) under the head of *dāsya*.[2] The statement of Manu (VIII, 414) that Śūdra has *dāsya* (liability to service) innate in him, and cannot be freed from the liability, even if released by his master, is properly treated by Medhātithi as glorified exaggeration (*arthavāda*).[3] For according to Manu (IX, 334-335) the Highest duty of the Śūdra (*dharmaḥ paraḥ*) which will lead him to beatitude[4] or a higher *varṇa* in the next birth, is serving learned and virtuous Brāhmaṇa householders. The attainment of *mukti* or making an advance towards its attainment is possible for every one by doing his appointed duty (*dharma*), and it makes it easier when the duty is one that does not directly contribute to one's own immediate advantage.

In normal circumstances, there should be no encroachment by any *varṇa* on the functions, duties and means of livelihood of the others. The Kṣatriya alone has the duty to be a soldier, for, to him is entrusted the duty of protection. Like the teaching duty of the Brāhmaṇa, it apparently carried with it no worldly remuneration, though there is no prohibition to a Kṣatriya being a paid soldier. Kauṭilya (p. 345) contemplates an army recruited from all the *varṇas*, but he does not favour Brāhmaṇas being recruited to it and regards the Kṣatriya as a better soldier, owing to his familiarity in using weapons. He sees an advantage in an army of Vaiśyas and Śūdras, owing to the possibility of getting a larger force from the two sections of the population that formed its great bulk. Recourse to recruiting others than the Kṣatriya would have been deemed an emergency measure.

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1. शूद्रं तु कारयेद्दास्यं क्रीतमक्रीतमेव च। (४,१८६.,१९०)
'क्रीतमक्रीतं' भक्ताद्युपनतमिति मेधातिथिः।

2 याज्ञवल्क्य, २,१८२,१८३ deal with दास्य; the rule about अन्तेवासी is 2. 184

3. दास्यायैव हि सृष्टोऽसौ ब्राह्मणस्य स्वयंभुवा। (८, ४१३);
'दास्यायैव' इति अर्थवादः मेधातिथिः। Kullūka misses this.

4. शुश्रूषैव तु शूद्रस्य धर्मो नैःश्रेयसः परः।
ब्राह्मणाद्याश्रयो नित्यमुत्कृष्टां जातिमश्नुते॥ (९,३३४-३३५)

Indian literature has a genius for suggestion by simile. The interdependence of the divinely created *varṇas* is signified by their origin from the same divine body. As health in the body postulates the co-ordination of functions by *all* the organs, so the health of humanity required that all the four *varṇas* should work in harmony. The face or mouth (*mukha*), from which the first *varṇa* sprang, is the most important part of the body (*uttamāṅga*). Feeding the Brāhmaṇa in sacrifices and *śrāddhas* is transmitting the offerings of food to the gods and the manes through his mouth. The usual method of making offerings to the gods and manes is by throwing oblations into the fire. The Brāhmaṇa is the fire, and food given to him on such occasions is *brahmahutam* A fire oblation should not be thrown on a fire which has burnt itself out, *i.e.* on ashes A learned and virtuous Brāhmaṇa is like well-tended sacrificial fire; it is only to him and those like him that offerings to the manes and gods must be given. The long list of persons who are excluded from *śrāddhas* (III, 150-168) includes Brāhmaṇas, who are physically defective, moral derelicts, followers of unworthy occupations, and violators of Dharma (*e g.*, he who instructs a Śūdra in the Veda or teaches for a stipulated fee).[1] The head and the mouth are the organs of direction and control, and he who sprang from the mouth of Brahman is indicated for the spiritual guidance and education of mankind. The arms stand for grasp and strength, and the duty of protection of society devolves on the Kṣatriya, who appropriately sprang from the Deity's arms. In the human frame the parts below the navel are held to be inferior to those above it. The Vaiśya and the Śūdra, who were both of the thighs and feet, the limbs which bear the weight of the entire frame, stand for the economic props of society. For social stability are required the mind that directs, the trained forces that maintain order and protect against external foes, and economic bases of wealth and welfare.

The number of *varṇas* is limited by Manu to those primarily created. They are four; there is no fifth[2] (X, 4). While the restriction applies to the *varṇas*, it does not apply to groups united by consanguinity, birth and heredity, or *jāti*. It stands for the physical type. A low-caste woman is referred to in the *Nirukta* (XII, 13)[3]

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1. भृतकाध्यापको यश्च भृतकाध्यापितस्तथा ।
शूद्राशिष्यो गुरुश्चैव वाग्दुष्टौ कुण्डगोलकौ ॥ (३.१५३)

2. चतुर्थ एकजातिस्तु शूद्रो नास्ति तु पञ्चमः (१०४)

3. 'अग्निं चित्वा न रामामुपेयात्'; रामा रमणायोपेयते न धर्माय 'कृष्णजातीया' एतस्मात्सामान्यात् (निरुक्त-१२-१३)। 'रामा' इति शूद्रा उच्यते। सा हि रमणाय एव उपेयते न धर्माय, रमणार्थमेव सा। 'कृष्णजातीया' इत्येकार्थौ शब्दौ। (दुर्गाचार्यभाष्य, पृ. ११९४, ed. Bhadamkar)

as *kṛṣna-jātīyā*, of a dark group, and it is repeated as *kṛṣṇavarṇā* i.e. of dark complexion in Vasiṣṭha[1] (XVIII, 17-18). The word *jāti-hīna* in Manu, (IV, 141)[2] means one wanting in good birth. In Manu, (X, 97),[3] *jāti* may be held to refer to *varṇa*, from the context in which it occurs. This is not wrong as every *varṇa* is also a *jāti*, though a *jāti* may be part of a regular *varṇa* or be sprung from a mixture of *varṇas*. To such mongrel groups, the word *jāti* is applied in Manu, (X, 11, 18, and 40).[4] The obligatory duties are specified for only those of the primary *varṇas*. The occupations mentioned as of some "mixed castes" (*saṁkara-jātayah*) by Manu (X, 33-39, 47-49) appear to specify what was actually practised and not what is enjoined as *dharma* for groups, which have sprung from a violation of *dharma*. Nevertheless, as such pursuits also tend to become by custom the duties of such groups, they might seem to resemble the *dharma* of the regular *varṇas*. As the distinction between obligatory duty and duty that becomes so by custom in a mongrel group fade, the lines of demarcation between *varṇa* and *jāti* tend to become obscured, and the former be loosely applied in place of the latter (*e.g.* Manu, X. 27, 31).[5] There would be no objection to describing a *varṇa* as a *jāti* (*e.g.*, Manu, III, 15, VIII, 177, X, 86, 335 and X, 41).[6] The term *utkṛṣṭa-jāti* (the best caste) and *hīna-jāti* (low caste) are used by Manu in referring to the Brāhmaṇa and Śūdra, but, if used of *caṇḍāla* or similar groups it will be *nikṛṣta-jāti* (despised caste).

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1. नाग्निं चित्वा रामामुपेयात् । कृष्णवर्णा या रामा रमणायैव न धर्माय
(वासिष्ठ ध. १८,१७-१८)

2. 'जातिहीनांश्च नाक्षिपेत्' (४,१४१) इति स्नातकधर्मे; 'जात्या हीनाः' निकृष्टजातय इति मेधातिथिः ।

3. परधर्मेण जीवन् हि सद्यः पतति जातितः (१०९७)
Loss of Caste can only refer to the main *Varṇas*.

4. 'सूतो भवति जातितः' (१०, ११) जात्या भवति पुक्कसः (१०, १८) संकरे जातयस्त्वेताः' (१०,४०)

5. एते षट् सदृशान् वर्णाञ्जनयन्ति स्वयोनिषु ।
मातृजात्यां प्रसूयन्ते प्रवरासु च योनिषु ॥ (१०,२७)
'हीना हीनान् प्रसूयन्ते वर्णान् पञ्चदशैव तु' (१०,३७)

6. हीनजातिस्त्रियं मोहादुद्वहन्तो द्विजातयः । (३,१५)
अवकृष्टजातिस्तु (८,१७७) भर्तुश्शरीरशुश्रूषां धर्मकार्यं च नैत्यकम् ।
स्वा चैव कुर्यात् सर्वेषां नास्वजातिः कथंचन ॥ (९,८६)
"सजातिजानन्तरजाः षट् सुता द्विजधर्मिणः ।
शूद्राणां च सधर्माणः सर्वे" (१०,४७)

A distinction must be made, however, between duties arising from original *varṇa* and those arising from analogy, or imposed by inference. A person rightfully belongs to a *varṇa* only when he is born of a proper union between parents of the same *varṇa*. The union, outside lawful wedlock, of a man and a woman of the same *varṇa*, as for example the *kuṇḍa* and *golaka* (III, 174),[1] born in adultery of the wives of men who are alive or dead, is regarded as (sterile) *i.e.* in producing for their begetter the spiritual advantages of a legitimate son (III, 175).[2] The son of an unmarried girl (*kānīna*) and a son received with the bride *i.e.* already born to her (*sahoḍha*) are also the children of passion, not of wedlock. The prime difficulty in these cases is that the real paternity will not be known. In the case of intercaste unions, those which are hypergamous, *i.e.* the union of a man of a higher *varṇa* with a woman of a lower *varṇa*, is termed *anuloma*. Thus, for every woman there is a husband of her own *varṇa*, and possible husbands in higher *varṇas*. But, the discharge of the natal debt to ancestors, the saving of the ancestors from dwelling in the hell (*put*), can be effected only by the son born of an equal (*savarṇa*) marriage. A *savarṇā* can alone take part with her husband in religious rites (III, 12 and 18). The rule of hypergamy requires that the brides from the lower *varṇa* shall be taken in the order of the castes; that is there should be no skipping of an intermediate caste. Manu (III, 14-19) expresses strong disapproval of a Brāhmaṇa utilizing this permission and taking a Śūdra bride.[3] He holds that the husband will sink to the level of his wife. Hypergamous marriages, though permitted, were thus not encouraged, particularly where the gap between husband's *varṇa* and that of the wife was wide.[4] The reason is obvious. By close association with one who is unconversant with Brahmanical rites and *ācāra*, the Brāhmaṇa will begin to neglect his appointed duties. It will not have the effect that is behind the rule associating in daily personal service the Śūdra *male* with the Brāhmaṇa. Such association will make the Śūdra familiar with the ideals of his master; he will try to live up to practice the

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1. परदारेषु जायेते द्वौ सुतौ कुण्डगोलकौ ।
   पत्यौ जीवति कुण्डः स्यान्मृते भर्तरि गोलकः ॥ (३,१७४)
2. तौ तु जातौ परक्षेत्रे प्राणिनौ प्रेत्य चेह च ।
   दत्तानि हव्यकव्यानि नाशयेते प्रदायिनाम् ॥ (३,१७५)
3. शूद्रां शयनमारोप्य ब्राह्मणो यात्यधोगतिम् ।
   जनयित्वा सुतं तस्यां ब्राह्मण्यादेव हीयते ॥ (३,१८)
4. They have been common in Kerala.

prescribed rites (without Vedic *mantras*), "keep himself free from envy, imitate the behaviour of the virtuous (master), and gain exaltation in this world and the next"[1] (X, 127-128). By serving the virtuous among the Brāhmaṇa *varṇa*, the" Śūdra becomes gentle in speech, and free from pride, and attains a higher *varṇa* in the next birth (IX, 335).[2] The union with a Śūdra female is based on mere sensual inclination, and in the intimacy of sex relationship, it will pull down the man without lifting up the woman. The attitude of the parties in entering on a union is important. An *anuloma* union, outside wedlock, because it defies moral convention, cannot be expected to produce the same psychological reaction on the minds of the parties, and results on the lives of the pair entering into it and of their offspring, as one in which the parties enter upon their lifelong companionship with a full conviction of moral and ritual responsibility. In concubinage, as in an unequal union, the impulse is infatuation (*moha*).[3] Śūdra concubinage is regarded as morally more deleterious for a Brāhmaṇa than even marriage with a Śūdra woman.[4]

The union of a woman of a higher *varṇa* with a man of a lower *varṇa* is opposed to rules of decency, and is regarded as unnatural (*pratiloma*). All *pratiloma* unions are outside wedlock. The offspring of such unions are persons who have sprung from parents who, in their passion, have defied *dharma*. The greater the disparity in *varṇa* between the partners to so unsanctified a union, the greater the defiance of convention. But the flesh is more powerful than inhibitions laid down by law or custom. To those whose sensual impulses get the upper hand, the post-mortuary risks of the step will hold little appeal. That such unions took place in sufficiently large numbers is seen from literature older than *Manusmṛti*. Otherwise, there will be no reason for Manu's dealing with them systematically and defining the position of the parties and their offspring. Manu allows the six possible *anuloma* offspring the rights of the twice born, *i.e.* *saṁskāras* like *upanayana* (X, 41) but the offspring of *pratiloma* unions (which

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1. धर्मेप्सवस्तु धर्मज्ञाः सतां वृत्तमनुष्ठिताः ।
मन्त्रवर्जं न दुष्यन्ति प्रशंसां प्राप्नुवन्ति च ॥
यथा यथा हि सद्वृत्तमातिष्ठत्यनसूयकः ।
तथा तथेमं चामुं च लोकं प्राप्नोत्यनिन्दितः ॥ (१०,१२७-१२८)

2. शुचिरुत्कृष्टशुश्रूषुर्मृदुवागनहंकृतः ।
ब्राह्मणाद्याश्रयो नित्यमुत्कृष्टां जातिमश्नुते ॥ (९,३३५)

3. 'मोहादुद्वहन्तो' (३,१५).

4. See *Kṛtyakalpataru*, *Gṛhasthakāṇḍa*, p. 43.

have the double stigma of violating convention as well as morality) are to be treated only as equals of Śūdras even when both parents are *dvijas*. The *caṇḍāla*, born to a Brāhmaṇa woman by a Śūdra, is stigmatized by Manu (X, 12) as "the lowest of men" (*adhamo nṛṇām*). He is beyond the scope of every enjoined duty (*Sarva-dharmabahiṣkṛtaḥ*) according to Yājñavalkya (I, 93).[1] The animus against him is ancient. It is due to the feeling of horror generated by the union, which outraged convention and defied the established social order, under the urge of an irresistible and ignoble sex impulse. The *caṇḍāla* is classed with the despised aboriginal dog-eater (*śvapāc*) and both are compelled to dwell outside the Aryan village, as even their touch is held to carry pollution with it. Usually, the *caṇḍāla* is said to constitute a "fifth" caste, but it is noteworthy that Pāṇini and Patañjali (as pointed out by MM.P.V. Kane) class them with Śūdras. Their further fall must be deemed cumulative, and is the beginning of the idea of carrying pollution by touch springing solely from origin. By analogy, the worst offenders are put under the category of *caṇḍāla*, and a late *smṛti* puts in this division the offspring of a *sagotra* union.[3] It marks the limit of social reprobation of the defiance of the time-honored rule that those who wed each other should not be of the same *gotra*. The Āndhra and Meda[4] are also to dwell outside the village. The term *antyaja* is used by Manu in the sense of *caṇḍāla* (IV, 61) and also in the sense of the *last* caste (*i.e.* Śūdra) (VIII, 279).[5]

These are the castes of miscegenation. There are also castes which spring from the mixture of *anuloma* and *pratiloma* unions, among themselves and with one another. Manu (X, 6-56) gives a long catalogue of them.[6] The list is obviously illustrative and not meant to be exhaustive. It shows the degree to which, in spite of the religious appeal to maintain the *dharma* of the *varṇas*, they were

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1. ब्राह्मण्यां, शूद्राज्जातस्तु चण्डालः सर्वधर्मबहिष्कृतः ॥ (१,९३)
2. *History of Dharmaśāstra* II., p 168.
3. समानगोत्रप्रवरकन्यामूढ्वोपगम्य च ।
   तस्यामुत्पाद्य चण्डालं ब्राह्मण्यादेव हीयते ॥
   (Śloka-Āpastamba cited in *Saṁskāra Prakāśa*, p. 680).
4. वैदेहिकादन्ध्रमेदौ बहिर्ग्रामप्रतिश्रयौ ॥ (१०,३६)
5. नोपसृष्टेऽन्त्यजैर्नृभिः (४,६७) 'चाण्डालादिभिश्चान्त्यजैः' इति कुल्लूकेन व्याख्यातः । 'येन केनचिदङ्गेन हिंस्याच्चेच्छ्रेष्ठमन्त्यजः' (८,२७९) अन्त्यजः; शूद्र इति कुल्लूकः ।
6. See M.C. Pandey's *Intelligent Man's Guide to Indian Philosophy* (1935), pp. 421—426.

violated. A society in which sanctions to be applied against its convictions rest only on other-wordly reasons that are not demonstrable in this life, and on public opinion, cannot liquidate large numbers of the social heretics, or outcastes. Manu lays (X. 58) great stress on the psychological effects of the outrage of *dharma* involved in the origin of these mixed castes.[1] He holds that the offspring of such unions may be detected by their un-Aryan conduct, their habitual neglect of duties enjoined on every one, and by their harshness and cruelty. The last qualities are likely to develop in persons, who feel that every one is against them. They develop the fear and animosity of the hunted animal.

The purpose of the Supreme Being will be ill-served if no attempt is made by society to redeem even the worst of those who defy its rules. Accordingly, we find in Dharmaśāstra devices for the moral reclamation of the ethically submerged elements. In the case of most, the purpose is served by indicating the rules of conduct that these have to follow, and the discipline to which they must submit, if they are to be rehabilitated eventually. Segregation, in extreme cases, acts as both a deterrent and a discipline. For the ordinary run of mixed castes an indication of the particular *varṇa*, whose duties they should follow, is enough. In the majority of instances they are lumped for duties with Śūdras. It implies that rehabilitation is possible for them (as for the natural born Śūdra) by pursuing the ideals of uncomplaining, unenvious service and close association with the *elite* in society. For every one the fundamental ethical code is the same ; *ahiṁsā, satyam, astheyam, saucam, indriya-nigrahaḥ* (X, 63). They constitute the *five* commandments of Hindu ethics. Thou shalt not kill nor cause pain to any living being. Thou shalt not utter a lie by word or in effect. Thou shalt not steal, nor covet another's goods. Thou shalt keep thy body and mind clean. Thou shalt keep under control bodily impulses and inclinations.

The *varṇa* system is associated with two correlated ideas. Firstly, persons born in good *varṇas* can maintain their position in them only by faithfully performing the duties enjoined on its members, in normal or abnormal times. The penalty for failure to do so is loss of the status. The second is that failure to perform the *saṁskāra* of investiture and initiation, in the case of *dvija varṇas*, within the time-

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1. अनार्यता निष्ठुरता क्रूरता निष्क्रियात्मता ।
पुरुषं व्यञ्जयन्तीह लोके कलुषयोनिजम् ॥ (१०,५८)

limits enjoined for the performance, become *vrātyas.*[1] The latter can be rehabilitated by the performance of a ceremony of expiation[2] (*vrātya-stoma*), while there are ways of the former recovering their lost status.

Manusmṛti (XI, 192) lays down that he who had omitted to get initiated into Sāvitrī within the proper time may have his *upanayana* done after he has performed the penance of three *kṛcchras.*[3] This is a mild expiation. Vasiṣṭha (XI, 76—79) prescribes three alternative methods of the rehabilitation of the *vrātya.* He may do the *vrātyastoma,* or have a lustral bath alone with one who has performed an horse sacrifice (*Aśvamedha*) or go through the *Uddālaka-vrata*—a penance of graduated starvation lasting a little over four months.[4] The classical historical instance of the performance of the purification is that of Sivāji in 1674.[5] Viśvarūpa (Yājñavalkya, III, 262) reconciles the contradictions by pointing out that for short intermissions of *upanayana* the penance prescribed by Manu was adequate, but for one extending to forty-eight years, the *Vrātyastoma* is the only method of rehabilitation.

Vrātyas may spring among all *dvija-varṇas.* Manu (II, 39) describes the *Vrātyas* as "despised by the Aryans," and marriage intercourse with Vrātyas "who have not been purified according to rule" is prohibited (II, 40). Living as a *Vrātya* is an *upapātaka.* (XI, 63). Sacrificing for a *Vrātya* is atoned by the performance of three *kṛcchras* (XI, 198). One who misbehaves with a female of the house of a *vrātya* or a *caṇḍālī* has to pay twice the normal fine for adultery (VIII, 372).

The entire family and the descendants of a *vrātya,* who has not been reclaimed, are under his ban. Manu accounts for the origin of eighteen groups of people by tracing them to *vrātya* ancestors, springing from the first three *varṇas.* (X, 21-23). Thus, the

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1. अत ऊर्ध्वं त्रयोऽप्येते यथाकालमसंस्कृताः ।
   सावित्रीपतिता व्रात्या भवन्त्यार्यविगर्हिताः ॥ (२,३९)
2. सावित्रीपतिता व्रात्या व्रात्यस्तोमादृते क्रतोः । (याज्ञ, १,३८)
3. येषां द्विजानां सावित्री नानूच्येत यथाविधि ।
   तांश्चारयित्वा त्रीन् कृच्छ्रान् यथाविध्युपनाययेत् ॥ (११;१९२)
4. पतितसावित्रीक उद्दालकव्रतं चरेत् । द्वौ मासौ यावकेन वर्तयेत्, मासं पयसा अर्धमासमामिक्षया, अष्टरात्रं घृतेन, षड्रात्रमयाचितेन घृतेन, त्रिरात्रमब्भक्षः अहोरात्रमुपवसेत् । अश्वमेधावभृथं गच्छेत् । व्रात्यस्तोमेन वा यजेत् । (वा-ध-११ ७६-७९)
5. Kane, *H.D.S.* II, pp. 379-380.

Jhallas, Mallas, Licchavis, the Naṭas, the Karaṇas, the Khāsas and the Draviḍas are held to be degraded Kṣatriyas by ancestry.[1] A more important statement is that by failing to consult Brāhmaṇas, by omitting to perform enjoined Vedic rites and *saṁskāras* certain *Kṣatriya* tribes have gradually sunk to the position of Śūdras. Among these are the Paundrakas, the Ghoḍas, the Draviḍas, the Kāmbhojas, the Yavanas, the Śākas, the Pahlavas, the Cīnas, the Kirātas and the Daradas[2]. (X, 43-44). These being supposed to have been originally of Kṣatriya *varṇa* are *within* the *cāturvarṇya* scheme and are not to be deemed Dasyus. They are only Śūdras.[3] (X, 43). This is an extension of the field of Dharma to cover peoples, who are obviously foreigners, and is an indication first of the universality claimed for the Varṇāśrama organization, and secondly for the application of the rules of Dharma to them.

Manu's attitude of disapproval of *inter-varṇa anuloma* unions is emphatic. It may be traced to an unwillingness to allow of indiscriminate minglings of persons brought up in different ways of life and different family traditions, and of different psychical types. The Brāhmaṇa, as described by Manu, is an intellectual and spiritual person, the Kṣatriya an active man of the world, and the Vaiśya one who feels the urge to acquire wealth and the means of pleasure. In such types, marriages of an endogamous kind are those likely to be most satisfactory both for their continuance and for the type of children that they will produce. Where both parents are alike in upbringing, ideals and temperament, the children will be like the parents. In inter-*varṇa* marriages the impelling motive is sex-attraction, and the union is not motivated spiritually. Psychological types cannot be changed suddenly. They are, under the postulates of Hinduism, the consequences of past *karma*. Close association in daily work and sharing of ideals might work a better change in the

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1. झल्लो मल्लश्च राजन्यात् व्रात्याल्लिच्छिविरेव च ।
   नटश्च करणश्चैव खसो द्रविड एव च ॥ (१०-२२)
2. शनकैस्तु क्रियालोपादिमाः क्षत्रियजातयः ।
   वृषलत्वं गता लोके ब्राह्मणादर्शनेन च ॥
   पौण्ड्रकाश्चौड्रद्रविडाः काम्बोजाः यवनाः शकाः ।
   पारदा पह्लवाश्चीनाः किराता दरदाः खशाः ॥ (१;०४३-४४)
3. वृषलत्वं (शूद्रत्वं) गता लोके (१०,४३);
   मुखबाहूरुपज्जनां या लोके जातयो बहिः ।
   म्लेच्छवाचश्चार्यवाचः सर्वे ते दस्यवः स्मृताः ॥ (७०,४५)

lower type that would approximate it to the higher, than a mixture of blood. It is this which is sought to be brought about by describing personal service to the *elite* as the occupation of the lowest stratum culturally. The inclusion of backward people or foreign tribes within the Śūdra group has a two-fold-significance: (1) it gives them the same opportunity of assimilation with the higher type as a real Śūdra, by the imposition of the same occupations and discipline; (2) by hypothesizing a higher original *varṇa* (Kṣatriya) for influential foreign tribes or people, it holds out to them both the lesson of the degradation that follows the neglect of enjoined moral and spiritual duties and the possibility of regaining lost ground by their own efforts to discharge such duties.

Varṇasaṃkara.

Saṁkara, mixture in sex union, reconciles the doctrine of the existence of only four *varṇas* (and not even of fifth) with the presence of innumerable smaller groups, whose number showed a constant tendency to increase. Such blood fusion may take place in hypergamous or the inverse relations, *anuloma* and *pratiloma.* The effect of the birth of a mongrel group is that it tends to produce more mongrels by its own sex affiliations. The endless number of such permutations and combinations generates the feeling of confusion, which is associated in the Indian mind with the concept of *saṁkara.* In off-spring resulting from such haphazard unions, it is futile to look for clear-cut psychic types. Both types are held as undesirable, the *pratiloma* the more so, because of the element of the revolt against custom and morality instinct in it. Parents, who have themselves defied convention and morality by a *pratiloma* concubinage, are not likely to act as a break on further laxity in selection by their own offspring. In *anuloma* unions alone as many as eight variations are possible. In *pratiloma* the number is infinite. Chaos is the result. Manu adds to the mixed castes that spring from *saṁkara* those that arise from union that are prohibited (*sagotra, samānapravara* and *sapiṇḍa*), and long continued desuetude of *svadharma* by the members of a *varṇa* (X,24).[1] Social discipline is difficult enough to maintain with the definition of the duties and occupations of four clear-cut castes, each with its distinctive duties and ways of finding a livelihood. It will be impossible if *saṁkara* proceeds unchecked. This will account for the horror of *saṁkara,* which leads to its condemnation in works like

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1. व्यभिचारेण वर्णानामवेद्यावेदनेन च ।
स्वकर्मणां च त्यागेन जायन्ते वर्णसंकराः ॥ (१०,२४)

Bhagavadgītā (I, 41-43), and its being described as the road to Hell (*saṁkaro narakāyaiva*).[1] The danger to society from unrestricted sex unions accounts for its being made a high regal duty to restrain people from succumbing to the urge to practise *saṁkara.* This is why Vāsiṣṭhīputra Śrī Pulumāyi, the first century Āndhra king, takes pride in describing himself as one who prevented the indiscriminate intermingling of the four *varṇas* (*vinivartita-caturvarṇa-saṁkarasya.*)[2]

The application of logic to *saṁkara* (*anuloma*) results in certain conclusions about the status of offspring. In a hypergamous marriage the child stands midway in status between the parents. If the child is a girl and she marries only in the same caste as her mother did, and her daughter does so, and so on from generation to generation, the amount of higher blood in the veins of the sixth generation will almost be equal to that of the pure blooded higher caste ancestor. Thus, according to Manu (X, 64) the offspring in the seventh generation is of the same *varṇa* as the original male ancestor.[3] If the process is reversed systematically, the sixth generation will result in an offspring as completely equal to the lower *varṇa* of the original ancestress as possible. With trifling changes in the length of the period in which this caste promotion and demotion take place the principle is accepted by all smṛtis.[4] The technical terms for the rise and fall in caste status are *jātyutkarṣa* and *jātyapakarṣa.*

Occupation can also exercise an influence on the nature of a person that is comparable to that of blood. If one of a higher *varṇa* (*e.g.* a Brāhmaṇa) gives up his traditional occupation and takes to that of a lower *varṇa* (*e.g.* a Kṣatriya), a fall in his nature may be postulated. As a Brāhmaṇa is forbidden to bear arms[5] and to become

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1. अधर्माभिभवात्कृष्ण प्रदुष्यन्ति कुलस्त्रियः ।
स्त्रीषु दुष्टासु वार्ष्णेय जायते वर्णसंकरः ॥
संकरो नरकायैव कुलघ्नानां कुलस्य च ।
पतन्ति पितरो ह्येषां लुप्तपिण्डोदकक्रियाः ॥ (गीता, १,४१-४२)

2. *Epigraphia Indica*, VIII, pp. 60—61.

3. शूद्रायां ब्राह्मणाज्जातः श्रेयसा चेत्प्रजायते ।
अश्रेयान्श्रेयसीं जातिं गच्छत्यासप्तमाद्युगात् ॥ १०-६४

4. बौधायनधर्मसूत्र, १,१६,१३-१४ निषादेन निषाद्यां आपञ्चमाज्जातो अपहन्ति शूद्रताम् । तमुपनयेत् षष्ठं याजयेत्सप्तमोऽविकृतो भवति ।
'अविकृतः' नैजमेव वर्णं प्रतिपद्यत इत्यर्थः—गोविन्दस्वामी ।

5. परीक्षार्थमपि ब्राह्मण आयुधं नाददीत । आपस्तम्ब ध-सू १,१०,२९७

a king,[1] one who does so, need not await the slow·process of occupational influence, but may immediately accept a lower status suited to his altered function and outlook. The transformation of the Kadamba dynasty, which started with a Brāhmaṇa, to a Kṣatriya is a classical instance of the operation of the principle in demotion.[2] The claim of foreign dynasties to Kṣatriya rank, that was conceded after some time, was obviously based on the working of an analogous principle applied not to profession but to *varṇa-dharma*. The assimilation of a foreign dynasty, which might be supposed to have lost its Kṣatriya rank by lapse of time, by resuming Kṣatriya duties and living up to its ideals of Dharma, to the body of Hindus becomes possible under this principle.

Occupation open to Brāhmaṇas : Normal Times.

One's Dharma determines the occupations, or means of living (*jīvanopāya*) that are open to him ; for, in the scheme of planned life it is not open to any one to take up any occupation or profession of his own will. Competition in any occupation or walk of life is limited to those to whom it is open, not to others. There is thus both competition and restriction of it in the Indian scheme of life. A person's *varṇa* entails certain duties ; his occupations must harmonize with them. Of the *six* ways of life open to a Brāhmaṇa, three only are, in any sense, ways of making a living: these are officiating in sacrifices performed by others (*yājanam*), teaching (*adhyāpanam*) and acceptance of gifts (*pratigraham*) (Manu,X,75-76). The last source of living is qualifed by Manu by the adjective "pure" (*viśuddha*), and it is interpreted as that which entails the performance of no expiatory rite[3]. Of this more later on. To the three sources or means of life for the Brāhmaṇa, Āpastamaba (II, 10, 4) adds four: receipts from one's children (*dāyādyam*), *i.e.* a share of what the sons (who are also Brāhmaṇas) have earned; gleaning of ears of corn that have fallen on the threshing floor (*śiloñcha*) and what is "free wealth" (like wild paddy, *nīvāra*, in the forest) in the sense of being the property of no one. It is not the same as *res nullius*, which is only unclaimed property. It will be noticed that these are not means of securing a comfortable life. A teacher cannot accept fees or stipulate for them. The

1. Bāṇa stigmatizes Puṣyamitra, the Brāhmaṇa founder of the Śuṅga dynasty as अनार्य (Cowell and Thomas, Eng. Trn. of *Harṣacarita*, p. 194.
2. *Epigraphia Carnatica*, VII, Int., p. 9.
3. विशुद्धोऽपापकर्मा (मेधातिथिः १०,७६)

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teaching of the Veda must be absolutely free. A free will gift from a pupil, whose education has been completed, and which will depend on the pupil's own very limited means is what is indicated. The priest who officiates at a sacrifice is not permitted to stipulate for fees. Specific fees are ordained for each person who officiates in a sacrifice, according to his duties in it, and they will be given collectively to all the priests. The ways in which they should share them are indicated under the head of corporate activity (VIII, 206-210). No sacrificer should offer less than the prescribed fee or *dakṣiṇā,* whether it be in money or in kind, nor less than what he can afford to give, judged by his own wealth. (XI, 39-40).[1] Even a gift (*dāna*) must be accompanied by a *daksiṇā.* Normally therefore these windfalls must be deemed a precarious and undependable source of income for the Brāhmaṇa householder (*gṛhastha*) for he alone can discharge these duties, the other three stages of life (*āśrama*) being in effect mendicant stages.

It is popularly supposed that Brāhmaṇas made fortunes by exacting fees from sacrificers and gifts from the pious.[2] It is not a true view of the actual conditions. Sacrifices were costly, often required the co-operation of many priests and involved for their performance and preparations considerable time. They were of corresponding rarity. Those who speak or write glibly of the "thousands of bloody sacrifices" that Buddhism abolished, know not what they speak of. In animal sacrifices the victim was usually a single animal and in many sacrifices no victim was needed. There are twenty-one periodical sacrifices (*yajñas*), divided into three sets of seven. One set, the *havir-yajñas,* have no animal victims. Another seven, known as the minor (*pākayajñas*) also do not need an animal victim. The remaining seven are *Śoma* sacrifices (*somasamsthāḥ*). They are relatively more expensive to perform, and involve also more time and trouble. Unless one does a sacrifice with devotion (*śraddhā*) it is best not to be attempted at all. The sacrifices are intended to obtain heaven. But, the end does not justify dubious means. This is why Manu (XI, 10) is emphatic in denying any good either in this world or in a higher world to the man who expends on the performance of a *soma* sacrifice the means needed for the maintenance and support of those dependent on him.[3] Sufficient resources to

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1. न त्वल्पदाक्षिणैर्यज्ञैर्यजेतेह कथंचन । (११,३९)
   See my *Rājadharma* (1941) pp. 144, 198.
2. The belief is strengthened by exaggerated stories of royal gifts to Brāhmaṇas in works of poetry and story books.
3. भृत्यानामुपरोधेन यत्करोत्यौर्ध्वदेहिकम् ।
   तद्भवत्यसुखोदर्कं जीवतश्च मृतस्य च ॥ ११,१०.

ensure a life free from anxiety on the score of means for a minimum period of three years must be kept in reserve, before a householder is allowed to undertake a *soma* sacrifice (Yājñavalkya, I, 124, Manu, XI, 7-8.).[1] Not only does a sacrificer lose the benefits of a sacrifice which he undertakes, with resources so inadequate that he is compelled to give lower *dakṣiṇas* than those prescribed, but they "destroy his acquired spiritual merit (*punyāni*), his fame, his hope of attaining heaven, his longevity, his progeny, his cattle and his reputation" (XI, 40). It is not even every king who is opulent enough to attempt some of the sacrifices. If the *yāga* has to be abandoned in the middle by the king for want of means to finish it, grave calamities befall both the king and kingdom[2] (*Śaṅkha-Likhita,* in Gṛhasthakāṇḍa, p. 135). The practical difficulties of performing the twenty-one sacrifices are clearly visualized by *smṛtis*, and would have been apparent to those who believed in their efficacy. Even the simplest *yajña* needs two (*ghṛyāgni upāsanam*) persons to do it, and various articles like milk, clarified butter, grain and fuel. Common *yajñas* need four priests, and in some as many as sixteen are required. The sacrificer and his wife have to provide themselves with new clothes, sometimes of silk, besides other things. The fees must be kept ready, for "a lost *dakṣiṇā* means a lost sacrifice".[3] The officiating priests must be not only learned and expert in their work but of the highest character. Such men cannot be had for the seeking. If the sacrificer hopes to obtain the needed financial help for the sacrifice from others, he has to reject wealth of a *rājasic* or *tāmasic* complexion. He cannot accept help from a *non-dvija*.[4] Even a king's help is to be rejected unless he is a righteous ruler *dhārmike sati rājani*, (Manu, XI, 15). As duty is limited by capacity, in *Dharmaśāstra,* the inclusion of the *yajñas* under *samskāras* by Gautama does not make them obligatory for all

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1. यस्य त्रिवार्षिकं भक्त पर्याप्त भृत्यवृत्तये ।
अधिकं वापि विद्येत स सोमं पातुमर्हति ॥
अतस्स्वल्पीयासि द्रव्ये यः सोम पिबति द्विजः ।
सपीतसोमपूर्वोऽपि न तस्याप्नोति तत्फलम् ॥ मनु (११,७-८)
त्रैवार्षिकाधिकान्नो यः स हि सोम पिबेत् द्विजः ।
प्राक्सौमिकीः क्रियाः कुर्याद्यस्यान्न वार्षिक भवेत् ॥ (याज्ञ १,१२४)

2. नाल्पसंभारो यजेत नास्तीति सवत्सरवृत्तिरनिष्ट हि राष्ट्रे निपतत्यनिष्ट यज्ञसवनं यजमानं छादयति (राजधर्मेषु शङ्खलिखितौ इति कृत्यकल्पतरौ गृहस्थकाण्डे पृ. १३५)

3. दक्षिणाहत एव हतः (हारीतः) (Cited in Gṛhasthakānda, p. 152.)

4. मनु ११,२४-न यज्ञार्थं धन शूद्राद्विजो भिक्षेत धर्मवित् ।

Brāhmaṇas. They are compulsory only for those of affluence.[1] Collections from others should not diminish *their* resources for pious acts (XI, 12-14). In some cases what is needed for a sacrifice may be taken unasked from its owner. The implication is that property confers on its owner no exclusive right, which will bar its being made to contribute to the social obligations and religious duties of others. This is justified on the ground that the *yajñas* benefit not only their doers but the whole society.[2] (*Bhagavadgītā*, 3, 14).

So much for the supposed Brāhmaṇa gold-mine of wealth from sacrifices! If we turn to the other source, whose value to the Brāhmaṇa has also been exaggerated, *viz.* gifts (*dāna*), it will be found that it is not less illusory as a staple source of income. Every gift is held, in Indian belief, to convey with itself some *a-puṇya* (demerit). He who takes a gift must be able by his own accumulated merit or spiritual potentiality to overcome the demerit. It is dangerous to accept gifts, even if one is dying of starvation, without realizing this, and the rules that regulate acceptance of gifts. (IV, 187).[3] A man of little learning or austerity who accepts a gift is a fool for his pains; for he sinks to Hell (IV, 191) He who makes gifts to the undeserving also is led to perdition by his negligence[4] (Yājñavalkya, I, 202). The acceptance of gifts is apt to create a taste for them. It will produce the social parasite, who likes to live upon the pious liberality of others. The smṛtis condemn this acquired low taste, which they describe as *prati-graha-ruci,* which is like the taste for forbidden fare. The love of wealth is not by itself ignoble, if it is to be put to pious uses (*dharmārtham vittehā*), but the conquest of a desire for it is better (*garīyasī*). It is better not to soil oneself with mud than to do so and then wash it, says the *Mahābhārata* [5]

Thus, normally, the position of the typical *Brāhmaṇa* householder, who is a man of virtue and learning, is that of a comparatively poor

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1. See my Introduction to Gṛhasthakāṇḍa, p. 61.
   यजनार्थं हि भिक्षित्वा चाण्डालः प्रेत्य जायते। (cited in *supra*) p. 160 of Gṛhasthakāṇḍa.
2. अन्नाद्भवन्ति भूतानि पर्जन्यादन्नसंभवः।
   यज्ञाद्भवति पर्जन्यो यज्ञः कर्मसमुद्भवः। (गीता ३,१४)
3. See footnote 2 of p. 101 *supra.*
4. विद्यातपोभ्यां हीनेन न तु ग्राह्यः प्रतिग्रहः।
   गृह्णन् हि दातारमधो नयत्यात्मानमेव च॥ (याज्ञ, १,२०२)
5. धर्मार्थं यस्य वित्तेहा तस्यानीहा गरीयसी।
   प्रक्षालनाद्धि पङ्कस्य दूरादस्पर्शनं वरम्॥
   (cited in गृहस्थकाण्ड, p. २५०)

man. The Brāhmaṇa who leads a family life is one of two classes : *śālīna* and *yāyāvara* (*Baudhāyana D.S.*, III, 1, 1), and between the two the second is held to be morally superior to the first. The *śālīna* is one who enjoyed moderate comfort, though not opulence. He owns a house, has a servant, and resides permanently in a village. The *yāyāvara* lives as best as he can, picking grains of rice from the threshing floor, has neither house nor fixed place of abode, does not reside in the same village for more than ten days, and rejects gifts, fees from teaching and *dakṣiṇas* in sacrifice. He is almost an ascetic but for his married state, and his greatness consists in his abstemiousness and independence of others. Manu has a different classification.[1] A *strict gṛhastha* of the first *varṇa* may, from the amount of the provision he makes in food grain for maintaining himself and his family (including his pupils and servants), be one with a brick-built grain-store that can hold enough grain for three years' consumption, (*kusūla-dhānyaka*) by a large family with servants and retainers, or one who has an earthen grain-store capable of holding enough grain for one year's consumption, or has enough for three days only, or one who makes no provision at all for the morrow. The last two will be equal to the *yāyāvara*. Though there is no prohibiton of accumulating more than a sufficiency for three years' needs, the implication is clear that excessive wealth is undesirable for the Brāhmaṇa who values his spirituality. In the case of Brāhmaṇas whose reputation gets them large endowments or gift of lands, it is expected that they should give away almost all that they get, not accumulating much wealth. Opulence is deprecated in the first and last *varṇas*.[2] In the first place it will generate pride and unspirituality and in the last a spirit of defiance of social rules. In both contentment points the road to salvation.

Occupation of the Kṣatriya and Vaiśya.

Both the second and third *varṇas* are warned off three functions of the first; *adhyāpanam, yājanam and pratigraha.* Their members are meant for civil and economic occupation. The Kṣatriya's duties are to bear arms, using them to protect others, and he is a king to rule the country righteously. The settlement of disputes between man and man (*vyavahāra*) and maintaining every one within his *Dharma* (*anuśāsanam*) are duties of the crowned *Kṣatriya*, and they pass on

1. कूसूलधान्यको वा स्यात् कुंभीधान्यक एव वा ।
त्र्यहैहिको वापि भवेदश्वस्तनिक एव वा ॥ (४,७)

2, अनर्थो ब्राह्मणस्यैष यद्वित्तनिचयो महान्। (अनुशासनपर्व ६१,३९)

to a ruler, independently of his *varṇa.* The general rule of *ahiṁsā* is suspended in his case, for the righteous use of force in protection and punishment, according to law. One who is not a king, should follow the profession of arms. A Kṣatriya is prohibited to beg. (Devala, in *Gṛhasthakāṇḍa,* p. 255).[1] His main duties are military and administrative. If a crowned Kṣatriya abdicates, he still has his *varṇa-dharma.* The functions of the Vaiśya - are to breed cattle (*yoni-poṣaṇam*) or tend them for wages (*vetanena paśurakṣaṇam*). Parāśara (I, 70) adds to them dealing in precious stones and work in metals (*lauha-karma*)[2] Money-lending is another avocation of the Vaiśya. The rates of interest he can charge are stated as 12 per cent. and 15 per cent. and he is allowed to charge compound interest. He incurs the sin of usury (*vārdhuṣikatva*) if he exceeds these limits. Baudhāyana specifies only the lower rate. The difference is explained as the maximum that a Brāhmaṇa can levy, if he takes to money lending as an emergency occupation (*āpad-vṛtti*). The Brāhmaṇa is not permitted to levy compound interest. Even in trade the Vaiśya is not to sell certain articles, but this is on the analogy of the prohibition to the Brāhmaṇa who takes to a Vaiśya pursuit. Several of the inhibited articles are needed for general consumption. They must have been dealt in by the Śūdra or by special castes outside the four *varṇas.* This has been so with salt, leather and some other articles upto recent times.

Duties of the Sūdra.

The Sūdra's enjoined occupation and duty is serving the higher *varṇas* (I, 91 VIII, 410) and particularly the Brāhmaṇas.[3] "The highest duty of a Śūdra, which leads to beatitude," declares Manu,[4] (IX, 334) "is to serve Brāhmaṇas who are learned, virtuous and householders." The Śūdra attains a higher caste in his next birth by serving a Brāhmaṇa, and by purity of conduct, gentleness of speech

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1. 'अयाचनमिति' (क्षत्रधर्मो) Devala cited in गृहस्थकाण्ड, p. 255.
2. लौहकर्म तथा रत्नं गवां च परिपालनम् ।
   कृषिकर्म च वाणिज्यं वैश्यवृत्तिरुदाहृता ॥ (पराशरस्मृ., १,७०)
3. एकमेव तु शूद्रस्य प्रभुः कर्म समादिशत् ।
   एतेषामेव वर्णानां शुश्रूषामनसूयया ॥ (१,९१)
   'दास्य शूद्र द्विजन्मनाम्' (८,४१०)
4. विप्राणां वेदविदुषां गृहस्थानां यशस्विनाम् ।
   शुश्रूषैव तु शूद्रस्य धर्मो नैश्श्रेयसः परः ॥ (९,३३४)

and freedom from pride. (IX, 335).[1] He is not required for the Brāhmaṇa of any other *āśramas* as they do not stand in need of service. The Brāhmaṇa *Gṛhastha* is so fully occupied with his teaching, sacrificing and social duties that he needs must look to others to care for him in daily life. This is why the Śūdra is conscripted for personal service. The cultural assimilation of the Śūdra can best be effected by bringing him, as already pointed out, into intimate, daily relationship with the highest *varṇa*. His place as a menial attached to the Brāhmaṇa family is shown by the injunction to the former to maintain him when he is past work through old age, (Gautama, X, 60)[2], by his being given the cast off clothing, umbrellas, shoes etc. of his master, (X, 125-4) and of being fed from the remnants of the former's food.[3] The Śūdra is enjoined to serve the Brāhmaṇa both for worldly and other-worldly advantages (X, 122)[4]. The Brāhmaṇa master is enjoined, by Manu, to allot the Śūdra, out of his own property, a suitable maintenance after considering his ability, industry and the number to be supported by him (*Ibid.*, 124)[5]. If he was unable to obtain service under *dvijas*, he could support himself by following arts and crafts. He is held as fitted for trade in those articles in which trade is prohibited for *dvijas*. Contrary to the principle that in emergency (*āpad*), one can follow only the avocations of *varṇas lower* than his own, the Śūdra is allowed to follow those of the Vaiśya (Yājñavalkya, I, 120)[6] and even the Kṣatriya (Nārada).[7] The last means only that he can enter the army. The Vaiśya occupations generally taken over by a distressed Śūdra are cattle-rearing and petty trade. The more he imitates the behaviour of the virtuous, the more does the Śūdra exalt himself in this world and the next. (X, 128)[8]. He is exhorted not to

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1. See footnote 4 of p. 102 *supra*.
2. यं चार्यमाश्रयीत भर्तव्यस्तेन क्षीणोऽपि (गौ. ध. सू. १०,६०)
3. उच्छिष्टमन्न दातव्यं जीर्णानि वसनानि च ।
   पुलकाश्चैव धान्यानां जीर्णाश्चैव परिच्छदाः ॥ (१०,१२२)
4. स्वर्गार्थमुभयार्थं वा विप्रानाराधयेत्तु सः । (१०,१२२)
5. प्रकल्प्या तस्य तैर्वृत्तिः स्वकुटुम्बाद्यथार्हतः ।
   शक्तिं चावेक्ष्य दाक्ष्यं च भृत्यानां च परिग्रहम् ॥ (१०,१२४)
6. शूद्रस्य द्विजशुश्रूषा तया जीवन् वणिग्भवेत् ॥ (याज्ञवल्क्य १,१२०)
7. उत्कृष्ट चापकृष्ट च तयोः कर्म न विद्यते ।
   मध्यमे कर्मणी हित्वा सर्वसाधारणी हि ते ॥ (नारदस्मृति ४,५८)
   मध्यमे द्वे कर्मणी क्षत्रवृत्तिर्वैश्यवृत्तिश्च (असहायः)
8. यथा यथा हि सद्वृत्तमातिष्ठत्यनसूयकः ।
   तथा तथेमं चामुं च लोकं प्राप्नोत्यनिन्दितः ॥ (१०,३२८)

accumulate wealth as it may cause ill-feeling between him and the Brāhmaṇas, by breeding arrogance in him (X, 129).[1] The Vaiśya and the Śūdra form the economic props of society, and their diversion from the occupations will ruin society. Together they also formed the bulk of the population.

Distress Occupations (Āpad-vṛttayaḥ).

It may happen that a Brāhmaṇa may not find it possible to meet the expenses of maintaining himself and of those dependent upon him, by following the occupations open to him. So with other *varṇas*. In such cases, it is open to the members of the caste to take on the duties of another. The assumption of such pursuits is subject to certain principles. Occupations taken up in distress must be given up as soon as the distress or emergency ceases. Otherwise, expiation will be necessary to overcome the resulting sin (XI, 193).[2] The emergency should be strictly construed. What is barely sufficient, in a life of restraint and contentment, will be taken as the standard below which alone a fall will justify the construction of distress. The occupations indicated for a *varṇa* must be exhausted and completely utilized before the assumption of those of the next *varṇa* or any other *varṇa* is permissible. Thus, *pratigraha* may be extended to receipts of gifts even from Śūdras, and from those who are not 'pure' donors. Even teaching a Śūdra may be tried before undertaking the duty or occupation of another *varṇa*. One should proceed to the gainful means of lower *varṇas*, step by step, without skipping those of an intervening *varṇa*. In *one* case, however, the *dharma* of the next *varṇa* cannot be undertaken by the next higher *viz*. that of bearing arms by the Brāhmaṇa. An ancient rule forbids a Brāhmaṇa to draw a sword even in fun. A Brahmaṇa is allowed to take up arms in self-defence, or in defence of women, Dharma or the social order. But, as he is under the strict rule of *ahiṃsā*, which will be violated by his undertaking a soldier's duty, the above permission is to be read only as an emphatic way of asserting the social obligation to stand up in defence of Dharma, the weak, women and children. The question is an intricate one, and I have dealt with it recently in a long paper.[3]

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1. शक्तेनापि हि शूद्रेण न कार्यो धनसंचयः ।
   शूद्रो हि धनमादाय ब्राह्मणानेव बाधते ॥ (१० १२९)
2. यद्गर्हितेनार्जयन्ति कर्मणा ब्राह्मणा धनम् ।
   तस्योत्सर्गेण शुध्यन्ति जप्येन तपसैव च ॥ (११-१९३)
3. See *Ātatāyivadha*, or the Right of private Defence in Dharmaśāstra, *Dr. Kunhan Raja Presentation Volume*. (1946), pp. 197—232.

Even if the professions open to lower *varnas* are followed, they must be practised only under the ethical standards appropriate to one's own *varṇa*. The principle that strict adherence to one's own Dharma is the way to salvation, and that taking up that of another *varṇa* is risky, lays stress on the appropriateness of certain hereditary occupations for those who have inherited aptitudes and the psychological bent for them. Freedom to roam from occupation to occupation leads to baneful and ruinous competition, and the substitution of self interest to the common good, and of transient and immediate benefits to ultimate and permanent advantages. *Laissez Faire* will be substituting " No plan" for "Plan," and *Varṇa* Organization is social planning on a world-wide scale and for *all* time.

These principles for distress oocupations may be illustrated. Even if obliged to follow the professions of a Vaiśya, a Brāhmaṇa must avoid *some* of them. First, he must not himself cultivate land, *i.e* undertake to plough it. The plough, which turns the sod, destroys animal life in the soil. This is why Hārīta (*Gṛhasthakāṇḍa*, p. 191) calls the plough a slaughter house (*sahasūnam hi lāṅgalam*). Baudhāyana declares that agriculture destroys the Veda, *i.e* destroys the merit of Vedic study, or the aptitude for or the opportunity for Vedic study (*kṛṣir vedavināśāya*, I, 10. 31). Cultivation is an absorbing occupation, which demands all the time and attention of the cultivator, and he who undertakes it cannot have the leisure for the pursuit of the many religious rites, which are lifelong obligations of the Brāhmaṇa *e.g* the tending of the fire (*Agnihotra*). Manu interdicts agricultural operations, even for the Kṣatriya, even though the rule of *ahiṁsā* is not so absolute in his case as in that of the Brāhmaṇa[1] (X, 83). Bṛhaspati, who softens the asperity of Manu's inhibitions, by rational amendments, holds that the agriculturist (if a Kṣatriya) by giving to the gods a twentieth of the harvest, a thirtieth in gifts to Brāhmaṇas. and a sixth to the king, is freed from censure (*na doṣabhāk*).[2] Cruelty to draught cattle and their castration are prohibited for all agriculturists and particularly for those who are driven to agricultural pursuits by necessity. If driven to trade a Brāhmaṇa is prohibited to hold up stock for getting an

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1. वैश्यवृत्यापि जीवंस्तु ब्राह्मणः क्षत्रियोऽपि वा ।
हिंसाप्रायां पराधीनां कृषिं यत्नेन वर्जयेत् ॥ (१०-८३)

2. राज्ञे दत्वा च षड्भाग देवतानां च विंशकम् ।
त्रिंशद्भाग तु विप्राणां कृषिं कृत्वा न दोषभाक् ॥ (बृहस्पति १ व्यव. ११३,१०)
cited in गृहस्थकाण्ड, p. 195 of the कृत्यकल्पतरु.

enhanced profit. (See Medhātithi on Manu, X, 90).[1] Neither of the two first *varṇas* is permitted, even when driven to trade by distress, to undertake the sale of cooked food (X. 86).[2] Neither may sell weapons, poison, horses, asses or mules, cloth, cattle generally, milk, spirits, silk, indigo, flesh and human beings. (X, 86-91). The penalty for doing so is loss of caste (*sadyaḥ patati*). A man of a higher *varṇa* sinks to the level of a lower by continuous pursuit of the avocations allowed only to the latter. Instead of selling for a price, when driven to trade by hard necessity, the Brāhmaṇa is advised to resort to barter in preference to sales for money. Money lending, which Bṛhaspati[3] half-sarcastically commends as superior to all other means of making a living, as it is not exposed to the risks of loss by failure of the seasons, and by the cupidity of the tax collecting king, of the ravages of rats and vermin, and of stoppage of growth by change of season or weather—is a forbidden occupation in normal times to the first two *varṇas* (X, 117).[4] In ancient India lending money was not viewed with the prejudice with which it was in Mediaeval Europe (in which Dante placed the usurer in the same Hell with the Sodomist), but was regarded as a useful act. The smṛtis only suggested the control of loans for interest by fixing legal maximum rates, prohibiting the accumulation of interest beyond the value of the capital, and discouraging compound interest and penal interest. But, there was a feeling that the occupation, if followed by persons for whom it was not normally indicated, might lead to deterioration of character of the capitalist, and make him avaricious and hardhearted. Even distress should not drive a

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1. काममुत्पाद्य कृष्यान्तु स्वयमेव कृषीवलः ।
विक्रीणीत तिलान् शुद्धान् धर्मार्थमचिरस्थितान् ॥ (१०,९०)
'अचिरस्थिताः' अर्थाधिकं लाभमनपेक्ष्य स्वल्पं मूल्यमद्य कालान्तरे चागामिनि बहुमूल्यं लभेयेत्येवं न प्रतीक्षितव्यम् । (मेधातिथिः)

2. सर्वान् रसानपोहेत कृतान्नं च तिलैस्सह ॥ (१०,८६)

3. बहवो वर्धनोपायाः ऋषिभिः परिकीर्तिताः ।
सर्वेषामपि चैतेषां कुसीदमधिकं विदुः ॥
अनावृष्ट्या गजभयान्मूषिकाद्यैरुपद्रवैः ।
वृष्ट्यादिके भवेद्धानिः सा कुसीदं न धातयेत् ॥
देशं गतानां या वृद्धिर्या च पुण्योपजीविनाम् ।
कुसीदं कुर्वतः सम्यक् सापि तस्यैव जायते ॥
शुक्लपक्षे तथा कृष्णे रजन्यां दिवसेऽपि वा ।
उष्णे वर्षेऽतिशीते वा वर्धनेन निवर्तते ॥
(बृहस्पतिस्मृतिः, ed. Rangaswami, 1941, pp. 366-367.)

4. ब्राह्मणः क्षत्रियो वापि वृद्धिं नैव प्रयोजयेत् । (१०,११७)

Brāhmaṇa to certain professions from which a Brāhmaṇa cannot return unsmirched to his pious pursuits, when pressure of necessity is relieved. Among them are those of the astrologer, the physician, the carrier, the oilmonger and the toddy vendor—the collocation of a semi-learned profession with a despicable one being only to emphasize the reprehensibility of both. Crime and immorality will not be justified under any rule of necessity, for any *varṇa* and so one cannot plead that he had been driven by hard necessity to crime or vice. Even necessity must bow to the moral law (Dharma). Hunger itself will not justify promiscuous solicitation of alms.[1] The accomplished student (*snātaka*) is allowed to ask for help only of a king (because he has a social duty to prevent *all* deaths from starvation in his dominions,) from his pupils (because a pupil is like a son with the filial duties of a son), of one for whom he has sacrificed, as he would be a man of means, *"and of no other"* (Manu IV. 33).[2] The profession of mendicancy is held in loathing by smṛtis. As a spiritual discipline, to enforce the hard rule of the saving grace of poverty and the social equality it creates, it is enjoined for the student (*brahmacārin*), and the ascetic, but under rigorous safeguards that would prevent them from becoming parasites and social pests. While the claims of humanity and of life generally are pressed on the affluent, and attempts made to soften their hearts, and make them ready to give, it is made hard for a person to *ask* for alms, except as an obligation of religious necessity. The evils that follow misplaced and indiscriminate charity have been realized nowhere so vividly as in *Dharmaśāstra*. Beggary, like crime, grows like weeds in a neglected field, and only when *Dharma* is relaxed. Solicitation of food for a parent, a teacher or a sick person stands by its vicariousness on a higher level, and is commended (XI, 1-2).[3] Manu connects income from begging with the taint of death by naming it *mṛtam* and by placing it only one degree above agriculture, which he stigmatizes (for the Brāhmaṇa) as 'slaughter' (*pramṛtam*).[4]

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1. See Kane, *H.D.S.*, II., pp. 133-134 for references.
2. राजतो धनमन्विच्छेत्संसीदन्स्नातकः क्षुधा ।
   याज्यान्तेवासिनोर्वापि नत्वन्यत इति स्थितिः । (४,३३)
3. सान्तानिक यक्ष्यमाणमध्वगं सर्ववेदसम् ।
   गुर्वर्थं पितृमात्रर्थं स्वाध्यायार्थ्युपतापिनः ॥
   नवैतान्स्नातकान्विद्या द्ब्राह्मणान्धर्मभिक्षुकान् ।
   निःस्वेभ्यो देयमेतेभ्यो दानं विद्याविशेषतः ॥ (११,१-२)
   ऋतमुञ्छशिलं ज्ञेयममृत स्यादयाचितम् ।
   मृतन्तु याचितं भैक्षं प्रमृत कर्षणं स्मृतम् ॥ (४,५)

Dharma has no toleration for the social parasite, whom Elizabethan laws described as "the sturdy mendicant." It is considered a defect in the government of a state if beggary and death by starvation of Brāhmaṇas increases. The present method of preventing them by total employment is just what was expected of the effective implementing of the *dharma* of *varṇas* and *āśramas* The growth of vagrant mendicancy under the cloak of religion in later times is the consequence of relaxation of this *dharma*, wasteful competition to occupations, resulting in overcrowding of some and inadequacy of the labour supply in others, and the assumption of mendicant ascetic life by the economic classes to which it had been denied by Manu and *Dharmaśāstra* generally. In ancient Indian criminal law, it was a crime to persuade a woman or a Śūdra to become an ascetic. Europe shows the bad effects on the economy of nations in which the number of celibate monks and nuns increased out of all proportion to the population and the resources of the country. It is this wasteful diversion that is sought to be prevented by the *āśrama* rules in smṛtis limiting entry to the life of the ascetic and holding up the ideal of family life as the best for normal persons, of all ranks in society.

Theory of Privileges and Disabilities.

Doing a duty for its own sake, without any expectation of reward is enjoined by Indian religion. It does not mean that unselfish effort is sterile either in this life or in the next. The implication is only that to do one's duty in the hope of a benefit, or expressly to secure an advantage in this life or in the next, though permissible, is of a lower order in a gradation of spiritual values than desireless effort (*niskāma-karma*). To deny results to action will be to deny a paramount and universal moral law,—that of *Karma*. Self-regarding action, even if its effects are beneficial to others, is of a lower type than un-egoistic activity. But such a view will not find acceptance among common minds. To them there must be a material and tangible benefit for service, or there must be an attractive equivalent for it. Economists are familiar with the notion that the love of excellence, or the love of distinction appeals to finer natures more than mere love of comfort or well-being In the accumulation of material goods a point is reached at which satiety begins. In the acquisition of distinction or the aesthetic satisfaction that springs of the consciousness of excellence or perfection, there is no such satiety. Post-mortuary benefits, like post-mortuary punishments, do not appeal to all minds. Distinction in life has attraction to most persons. It is this that lies at the root of conceptions of worldly honour, position and privilege, even if these are not translatable into tangible economic advantages. A prince

enjoys a greater prestige than a commoner, and a prince of the Church a greater position in the common estimation than an ordinary lay prince.

We see the working of these ideas in the duties and inhibitions of the *varṇa* scheme. The Brāhmaṇa is relegated, not by his own choice but by birth, to a hard and comfortless life of poverty and constant occupation His is a lifelong and almost tragic dedication to the cause of spiritual uplift and education of society. When barely out of childhood, he is taken out of the family and subjected to the rigors of an educational discipline which will last twelve years or more. He is enjoined to marry and start family life, when his education is over. But the life that he then enters upon is not less hard, and its ideal is even more unselfish. The life of the householder is social dedication. What pleasure or happiness he may derive from marriage is a mere by-product of the institution. He cannot refuse his spiritual or educational services to any one who demands them of him, and who is qualified to be served. He is not expected to hoard wealth, and is encouraged to lead an abstemious, if not an ascetic, life. Manu condemns the erudition from which income or fame are expected. A Brāhmaṇa sophist will not command in India the honor that a sophist enjoyed in ancient Athens; on the other hand he is deemed a lost soul. Poverty is in his case no excuse for failing to discharge his lifelong religious obligations like the *Agnihotra.*[1] Even distress cannot free him from the need to watch his steps, when he takes up the avocations of lower *varṇas*. The hand that is, metaphorically speaking, held out to pull him from economic difficulties cannot be grasped if it is that of one whose spirituality and morals are questionable. The gifts or donations of the wicked carry an indelible taint, which pollute receivers and infect the purposes for which they are given. The recipient is to look (as against the worldly adage) not into the mouth of the gift-horse, but into the antecedents of the donor ! The idea is that on the Brāhmaṇa depends not only the educational but the spiritual uplift of the entire society. A king gives *visible* protection; a Brāhmaṇa invisible protection. Both are described as *dhṛta-vratu* i.e. vowed for social service. Accordingly, both are praised, but the Brāhmaṇa more than even the king, because the latter has compensations in comfort and an easier life that the other has not. Manu clearly believed that spirituality, when properly

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1. वर्तयंश्च शिलोञ्छाभ्यामग्निहोत्रपरायणः ।
इष्टी पार्वायनान्तीयाः केवला निर्वपेत्सदा ॥ (४,१०)

sustained, made the Brāhmaṇa wield a power greater than that of a mere ruler. The eulogies of the Brāhmaṇa mount to a paean of praise in *Manusmṛti*. (See I, 93-101, IX, 245, 313-322 and XI, 31-35). The creation of the Brāhmaṇa is a blessing to the world. He is a living incarnation of Dharma and is born to fulfil it (I, 98).[1] He is the guardian of the "treasure house of Dharma" (*dharmakośa*, I, 99). The entire universe is the property of the Brāhmaṇa, who has no worldly possessions (I, 100-101). The god Varuṇa is king of mortal kings, because he wields the rod of punishment: the Brāhmana is lord of the whole universe, because he has mastered the Vedas (IX, 245). His anger spells destruction (IX, 314-315). With the exaggeration which is a literary device for emphasis, he is declared a divinity (IX, 317, *brāhmaṇo daivatam mahat*). It may (for example) be noticed that the king (who is not a Brāhmaṇa) is described by almost the same expression *Mahatī devatā hyeṣā nara-rūpeṇa tiṣṭati—Manu*, VII, 8). The Brāhmaṇas are always entitled to veneration because each of them is a great divinity are (*paramam-daivataṁ hi tat*, IX, 319). The good of the world requires that the Brāhmaṇa and the Kṣatriya should work in union (*Sampṛktaṁ*) for there will be no Brāhmaṇa without a Kṣatriya and no Kṣatriya without a Brāhmaṇa (IX, 322). A Brāhmaṇa need not seek the help of the king to redress his wrongs for by his own spiritual power he can do it (XI, 31-32). Let no word of inauspiciousness (*i.e.* curse) be uttered against the Brāhmaṇa, and no hot word be spoken to him (*na Śuṣkām giram īrayet*, X, 35) because he it is who declares (*vaktā*) Dharma, who enforces (*śāsitā*) it, and befriends (*mitra*) all. Let not the king provoke the Brāhmaṇas to anger, "for they, when angered could instantly destroy him together with his vehicles and goods" (IX, 398). The king should cherish them for the sake of sacrifices (XI, 4). The sacrificer is to be suitably maintained by the king, for the possessions of those who offer sacrifices are verily the possessions of the gods (XI, 20-22). A king should honor and cherish a learned and virtuous Brāhmaṇa (*Śrotriya*); it brings luck to him if he worships them daily (VII, 37-38.). The gift made by a king to a learned Brāhmaṇa is an imperishable treasure (VII, 82). The *snātaka* (accomplished student) should be supported by the king. The kingdom where learned Brāhmaṇas die of hunger will itself be devastated by famine. (VII, 133-134).

The magnification of the Brāhmaṇa should be read with the privileges claimed for them. A *śrotriya* should not be taxed

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1. उत्पत्तिरेव विप्रस्य मूर्तिर्धर्मस्य शाश्वती ।
स हि धर्मार्थमुत्पन्नो ब्रह्मभूयाय कल्पते ॥ (१,९८)

(VII, 133). Even the *Arthaśāstra* upholds the exemption, and calls on the state to grant tax-free lands to learned Brāhmaṇas, *ṛtviks, purohitas,* and teachers, and confer on them freedom from fines (II, 1).[1] The idea is that they pay in kind *i.e.* by the religious merit accruing from their acts of piety and devotion, a part of it accrues to the king. A modern sceptic may deride the value of such services, but belief in their efficacy was then widespread, and was shared by kings as well as the people. The exemption from taxation was ancient and is seen in *Śatapatha Brāhmaṇa* (XIII, 6, 2,18).[2] Kālidāsa refers to the contribution of a sixth part of the indestructible *puṇya* accruing from their austerities made by hermits (*āraṇya-vāsinaḥ*) to the king for his protection. (*Śākuntaḷa,* II, 13).[3] A belief shared by scholars and great poets cannot be described as the credulity generated in ignorant minds by a priest-craft. Another privilege was that a Brāhmaṇa need not give back to the king one-half of any buried treasure that he might discover, as others had to (VIII, 37)[4] and the king was even advised to give one half of any treasure-trove found by himself to Brāhmaṇas (VIII, 38).[5] Heirless Brāhmaṇas' property did not escheat to the state but was to be distributed (like the property of a teacher to his pupils) to other Brāhmaṇas "and thereby *Dharma* will not be violated" (*tathā dharmo na hīyate*).[6] There are two restrictions implied in the rule. Firstly, the failure of all heirs means not only absence of any relations, male or female, who are entitled in law to inherit to the deceased in the prescribed order but even fellow students (*sarvēṣāṁ abhāve yaduktaṁ tat sa-*

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1. ऋत्विगाचार्यपुरोहितश्रोत्रियेभ्यो ब्रह्मदेयानि अदण्डकराणि आभिरूपदायकानि प्रयच्छेत् ।
(कौ. अ. शा, पृ. ४६)

2. अथातो दक्षिणनाम् । मध्यं प्रति राष्ट्रस्य यदन्यद्भूमेश्च ब्राह्मणस्य वित्तात् ।
(शतपथब्राह्मण, १३,६,२,१८)

3. राजा—यदुत्तिष्ठति वर्णेभ्यो नृपाणां क्षयि तत्फलम् ।
तपष्षड्भागमक्षय्यं ददत्यारण्यका हि नः ॥ (अभि. शाकु., २,२३)

4. विद्वांस्तु ब्राह्मणो दृष्ट्वा पूर्वोपनिहितं निधिम् ।
अशेषतोऽप्याददीत सर्वस्याधिपतिर्हि सः ॥ (८,३७)

5. यं तु पश्येन्निधिं राजा पुराणं निहितं क्षितौ ।
तस्माद्द्विजेभ्यो दत्त्वार्धमर्धं कोशे प्रवेशयेत् ॥ (८,३८)

6. सर्वेषामप्यभावे तु ब्राह्मणा रिक्थभागिनः ।
त्रैविद्याः शुचयो दान्तास्तथा धर्मो न हीयते ॥
अहार्यं ब्राह्मणद्रव्यं राज्ञा नित्यमिति स्थितिः ।
इतरेषां तु वर्णानां सर्वाभावे हरेन्नृपः ॥ (९,१८८-१८९)

brahmacāryāderapi dhanahāritvārtham). Secondly, the allusion to prevention of *dharmahāni* is that the Brāhmaṇas to whom the property is distributed will have to offer the funeral sacrifices to the deceased. The provision that a widow might raise a son to the deceased by *niyoga*, and in that contingency the entire property will pass on to the son (IX, 190)[1] is not in discord with the provision of escheat, as absence of all possible heirs means also absence of a surviving wife.

The right to take precedence of even a king on the road is a mere distinction, which was doubtless appreciated as a mark of deference and honor. There is an historical anecdote that it was deftly used to save a difficult situation that might have become serious otherwise.[2] Exemption from being summoned as a witness in a law suit is also granted to the student of the Veda, the *sanyāsin* and the king. The motive is not to interfere needlessly with persons who have absorbing duties to perform. (VIII, 65).[3] One engaged in doing a *yāga* (*dīkṣita*) is also exempted.

There are, however, certain rights which involve discrimination. They have come for much criticism in modern times. A *Brāhmaṇa* is immune from capital punishment, for crimes for which it is prescribed. Instead of the death penalty, he is to have his head shaved and banished, without deprivation of his property. (VIII, 378-379.) Manu holds that there can be no greater *adharma* (wrongly translated by Buehler as "crime") than killing a Brāhmaṇa and that a king should not even think of it. Kauṭilya (IV, 10) was less considerate,[4] though even he admits Brāhmaṇa immunities.[5] Manu,

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1. संस्थितस्यानपत्यस्य सगोत्रात्पुत्रमाहरेत् ।
   तत्र यद्रिक्थजातं स्यात्तत्तस्मिन् प्रतिपादयेत् ॥ (९,१९०)

2. When the Peshwa Bāji Row I invaded Udaipur, the question of the seat he was to have before the Mahārāṇa was settled by Bāji Row's appearing as the Brāhmaṇa Paṇḍit Pradhān, and being given a seat in front of the throne. (Tod, *Annals of Rajasthan* Vol. I, ed. 1914, p. 337).

3. न साक्षी नृपतिः कार्यो न कारुककुशीलवौ ।
   न श्रोत्रियो न लिङ्गस्थो न सङ्गेभ्यो विनिर्गतः ॥ (८,६५)

4. राज्यकामुकं. ...घातयेत् । ब्राह्मणं तमपः प्रवेशयेत् ।
   (कौ. अ. शा. ४,१०, p. 227).

5. सर्वापराधेषु अपीडनीयो ब्राह्मणः । तस्याभिशस्ताङ्को ललाटे स्याद्व्यवहारपतनाय स्तेये श्वा । मनुष्यवधे कबन्धः । गुरुतल्पे भगम् । सुरापाने मद्यध्वजः ।
   ब्राह्मणं पापकर्माणमुद्घुष्याङ्ककृतव्रणम् ।
   कुर्यान्निर्विषयं राजा वासयेदाकरेषु वा ॥ (कौ. अ.शा. ४,८; p. 220).

like Kauṭilya, rules that the criminal Brāhmaṇa be branded with various indelible emblems, reflecting his guilt, and be turned out of society. He was to be excluded from commensality, from sacrifices, from instruction, from matrimonial alliances, from all religious duties, be cast off by all his relations and receive neither compassion nor salutation (IX, 238-239).[1] Kauṭilya provided banishment and labour at the mines for the Brāhmaṇa criminal. He was subjected to other indignities like being paraded on the back of a donkey. A Brāhmaṇa was not above being fined, and in some offences his fines were made heavier than those imposed for the same offence on lower *varṇas* (VIII, 337-338).[2] The immunity appears to have been due to the persistence of the old feeling that killing a Brāhmaṇa carried with it a heavy load of sin, and to growing doubts of the value of capital punisment, of which we have a fine illustration in the discussion on its value in the *Mahābhārata* (XII, 267, 10-16).[3] Further, the supposed leniency to the Brāhmaṇa was really greater severity. He was made not only an outlaw, socially and legally, but was practically starved to death thereby. Banishment did not mean that he would be received in other countries with more tolerance, when he carried indelible marks of his infamy on his body. But the greatest penalty was that he was made incapable of performing any expiatory rites that would atone, even partially, for his moral lapse, and thereby condemned him to *endless* punishment in reincarnations. As already pointed out, the purpose of the Hindu criminal law was to adjust the penalty to the mood and mentality of the offender and the opinion of the times. Judged thus, the discrimination is not in favour of the Brāhmaṇa, and may be even construed as against him. Unlike the clergy in Mediaeval Europe and officials in many modern states, the Brāhmana was tried only in the ordinary courts, by ordinary rules of procedure and by ordinary methods of evidence, and when adjudged guilty was sentenced in the ways that *appear* to but do not

1. असंभोज्या ह्यसंयाज्या असंपाठ्याऽविवाहिनः ।
चरेयुः पृथिवीं दीनाः सर्वधर्मबहिष्कृताः ॥
ज्ञातिसम्बन्धिभिस्त्वेते त्यक्तव्याः कृतलक्षणाः ।
निर्दया निर्नमस्कारास्तन्मनोरनुशासनम् ॥ (९,२३८—२३९)

2. अष्टापाद्यं तु शूद्रस्य स्तेये भवति किल्बिषम् ।
षोडशैव तु वैश्यस्य द्वात्रिंशत्क्षत्रियस्य च ॥
ब्राह्मणस्य चतुःषष्टिः पूर्णं वापि शतं भवेत् ।
द्विगुणा वा चतुःषष्टिस्तद्दोषगुणविद्धि सः ॥ (८,३३७—३३८)

3. शान्तिपर्व, २८३,१०-१६ (ed. Kumbakonam)

really discriminate in his favour. Unlike the British peer, a Brāhmaṇa could not claim to be judged by his peers. Ancient Indian law did not accept the principle of the equality of all persons, because it will really result in inequitable punishments.

The Śūdra's Position.

The position of the last *varṇa,* as indicated by its duties and inhibitions, has been regarded as unduly harsh. Śūdra disabilities have been greatly exaggerated and misunderstood. Some of the disabilties are really advantages over the other *varṇas.* They have been based on the principle that strength, (physical, cultural and spiritual) determines the duty and the penalty for violating duty. In the attainment of the common Indian aim viz, *mokṣa.* the Śūdra syllabus of activity towards this end is lighter, and easier He need not go through the laborious course of Vedic education with its discipline. From merely hearing the epics and the Purāṇas (whose author Vyāsa, Indian tradition identifies with the editor of the Vedas and the author of the *Brahmasūtras*), he can obtain the same guidance and salvation. He is redeemed not by austerity, or learning or vows but by *dāna, i.e.* by making use of his wealth in mere charity. He is free to dwell anywhere. He is not tainted, and does not lose his *varṇa* status by what he eats and drinks. His rites are simple. If he is so disposed he can perform, without *mantras,* the five daily *yajñas.* He is not denied the sacrament of marriage. There is no lower moral code for him ; the ideals he is asked to cherish and the ethical qualities that he is advised to foster are identical with those for the other *varṇas.* He was even allowed to become a king. He could enter the army, in emergencies. Wealth was deprecated in his case only as possibly generating arrogance, and making him restive of the position to which he had been brought by his own past Karma. He was asked to be treated as a member of the family. His women were under the same protection against insult or assault as dvija women. He was given the hope of a higher *varṇa* in the next birth, by good actions in this life (IX, 335).[1] The arts and crafts were open to him. The prohibition to him to carry the corpse of a Brāhmaṇa prevents his relegation to the position of a common undertaker (V, 104).[2] He is not shut out from spiritual advice and guidance from the Brāhmaṇa (X, 2). He can commute for his tax by personal

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1. शुचिरुत्कृष्टशुश्रूषुर्मृदुवागनहङ्कृतः ।
   ब्राह्मणाद्याश्रयो नित्यमुत्कृष्टां जातिमश्नुते ॥ (९,३३५)
2. न विप्रं स्वेषु तिष्ठत्सु मृतं शूद्रेण नाययेत् ॥ (५,१०४,)

service (VII, 138)[1] His exclusion from judicial office and assessor's work in trials is obviously consequent on his defective knowledge of the bases of *Dharma* in Vedic literature.

Brāhmaṇa and Śūdra in Criminal Law.

It is in the imposition of different standards, on a *varṇa* basis, for punishments and for estimating the gravity of offences that modern criticism sees the hand of the sacerdotalist. Ancient Indian authorities on *Dharma* are quite familiar with the fundamental rules of criminal jurisprudence It is difference of fundamental outlook, and failure to allow for differences of circumstances or context, that lead to the modern failure to see the reason behind discrimination in punishment. Modern criminal law is not innocent of discrimination. In weighing punishment, judges to-day have to weigh the effect of the penalties in relation to their effects on society, the political order, and the offender and his class Punishments have to be deterrent, where social security requires it. The *Brāhmaṇa* was the unsalaried spiritual guide, teacher, judge, assessor and sacrificer of ancient Indian society.

The need to protect—by making punishments more stringent than they need be—was not a feature of ancient Indian jurisprudence or *Dharma*. Modern judges, for example, are sensitive of criticism of their judicial actions from lay quarters. We have in modern laws an elaborate device for punishing contempt of court, in which the courts themselves are final adjudicators. An independent judiciary often tends to become an irresponsible one. In ancient India any one was at liberty to go and criticize a judge in open court or the king himself. The comparative severity against those who threatened a Brāhmaṇa with assault or actually attacked him and drew blood is based the principles we still follow : *viz.* enforcement of deterrent penalties in the interest of social discipline. The lighter punishment for *ākrośa* (reviling), when the offender is of a higher caste than the person who is reviled, is based on the same principle, and it constitutes something like "privilege". (VIII, 268). In theft, where no question of discipline is apparently involved, but social discipline is, the heavier penalty for the Brāhmaṇa (VIII. 337-338) is on the score of a social upset if those who are better educated and esteemed as spiritually and socially higher set a bad example. The horror of mongrelism and desire to maintain a high standard of sex purity and to prevent the sex urge creating *saṁkara* are behind the stern

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1. कारुकान् शिल्पिनश्चैव शूद्रांश्चात्मोपजीविनः ।
एकैकं कारयेत्कर्म मासि मासि महीपतिः (७,१३८)

attempts to repress sex offences by men of lower against women of the higher *varṇas*. As it was a matter of administrative concern and political expediency as well, the *Arthaśāstra* was hardly less severe than Manu in such cases, and it also proceeded on the same principles. The bitter animus to (and savage penalty of) the Śūdra who lectures on *Dharma* to the Brāhmaṇa (*i.e.* to the whole community) (VIII, 272) can be paralleled by modern laws against social or political revolutionaries, who openly flout the established order. So are the rules condemning Śūdra asceticism[1] (Yājñavalkya, II. 254) and Śūdras in the garb of the twice-born (IX, 224).[2] How in spite of such rules society became chaotic, *varṇasaṁkara* spread, and the purpose of the *varṇa* scheme was defeated day by day will be seen from the lurid pictures in the Purāṇas of Kaliyuga effects, which probably only reflect actual happenings.

Conclusion.

Varṇa-dharma is the keystone of the arch of the Indian social scheme. It has been the foundation of Hindu society through the ages. Its roots are lost in remote antiquity. Its influence is still unextinguished. It has concerned itself with men in large aggregates, not with individuals. Its scope has been universal. Its purposes have been both wordly and unwordly, concerned with this life and with after-life. It has proceeded on the hypothesis that life in the universe is an endless chain, revolving round the wheel of action (*Karma*). It has stressed individual responsibility as well as collective. While recognizing the force of heredity, it has envisaged its limitations, and the risks of mere racial fusion, looked at simply as fusion of blood. It aimed at a permanent solution of every side of the social problem ; genetic, psychological, spiritual, and economic. Society was to be so planned as to meet every need that change brought up. It was to be organized for *all* time. Its outlines were broad, simple and general, and afforded scope within its ample limits for every possible adjustment that time or circumstance might demand. It aimed at gradual changes, brought about by the educated efforts of its own members, instead of revolutionary changes, induced by external influences. In its designation as the Caste System it has won the appreciation of discerning sociologists and students of history. Their admiration has been for the elements in it which made for social balance and stability, the elasticity, which made it respond to changing

1. शूद्रप्रव्रजितानां च दैवे पित्र्ये च भोजकः ।
[शतदण्डभाक्] (याज्ञवल्क्य, २,२३५)
2. शूद्रांश्च द्विजलिङ्गिनः (९,२२४)

needs and which kept it from disintegration in the numberless vicissitudes of foreign invasion, conflict with alien cultures and religions, and dissent within its own fold. It humanized society, and spiritualized it. It made for harmonious development through co-operation of its elements. Its recognition of fundamental instincts to which man responds by his activity, and its scheme for canalizing and transforming them to common purposes through the system of *āśramas* so as to raise both the individual and the mass, made for its success. It has probed deep into the human motives for economic and political action and by taking due notice of their strength and need for training provided a stable political machine, which ensured good government, full employment, and harmonious cooperation. Its main negative contribution is that it prevented society slipping into barbarism, by its constant emphasis on achievement and character, even more than birth, as the real credentials of personal worth of permanent value, and it made it look *up* instead of look *down*, look forward instead of backward.

The praise of the system should be considered side by side with the criticism levelled against it. To many, whose vision has been blurred by inadequate knowledge of the system and of the philosophy behind it, as well as of its aims, or who have been animated by loyalty to other faiths and cultures and have imbibed the belief that perfection is found in them alone, Indian Caste has seemed a hard, cruel, and discriminatory system, which was devised to create and maintain the selfish domination of a body of priests over the masses. In such criticisms, it has been usual to describe the *varna* system and the rules of *varṇa-dharma*, as the fabrications of Brāhmaṇas to gain overlordship, and to ascribe the origin of the system to writers like Manu. The criticism loses sight of certain facts. The roots of the *varṇa* classification go back to hoary antiquity. The tendency for the formation of classes is natural, and almost universal. Ascription of the system to Brāhmaṇa ambition and selfishness loses sight of fundamental features of the system, and consequent weakness in its own hypothesis. The effect of the system was to keep a small and highly intellectual body in a permanent condition of austere poverty and hard work, sterilized of all ambition for political domination and position or for riches and splendid living. By the theory of influence of occupation in demoting or promoting a *varṇa* position in any individual born in it, not only in future births but in this life itself, it prevented the most intellectual section of the community, from seizing political power. In the long history of India, the number of dynasties founded by Brāhmaṇas can be counted on the fingers. In every such case the act was stigmatized as an usurpation and a violation

of Dharma, and reprobated by the very community from which the usurpers came. To Bāṇa, Puṣyamitra was not even an *Ārya,* because of his seizing a throne. In the case of the Kadamba and Vākāṭaka dynasties, which claimed a Brāhmaṇa origin, the seizure of thrones reduced their caste rank, led to intermarriage with even non-*Kṣatriya* princes like the Guptas, and showed the limits of their social demotion for violating their *varṇa-dharma.* The Peshwas never claimed to be kings, but kept, like the *de facto* rulers of modern Nepal only the rank of ministers, whose appointments still needed the approval of titular Kṣatriya kings. The Brāhmaṇas were not an organized body, with a hierarchy of offices, like the Christian Church or even the Buddhist *Saṁgha.* They had no wealth, and no territorial power to back any claims they might put forward for lordship. The language of hyperbole in which the Brāhmaṇa was likened to a god, is also applied to a king. It is parallelled by the retort to the statement 'there is no king without divinity' in him that 'there is no subject (*prajā*) without divinity in him' too. It is forgotten by the critics, who often challenge, on what are now regarded as weak grounds, the claim of Brāhmaṇas to have been the sponsors of *adhyātmavidyā* in the past as against the Kṣatriyas to whom the critics assign the credit, that the very same Kṣatriyas conceded the Brāhmaṇa claims. That education was widespread and that there was great critical acumen even in the masses in ancient India will be admitted. If it was so, how could any small body keep up the fiction of its natural superiority, by mere repetition of its claims, in a literature springing from it? While the line of criticism can be used as a missile in *modern* conflicts between class and class, its large draught on powers of belief must rule out its historical validity.

Rather must the success of the scheme be sought in its own inherent qualities. Unless it satisfied all its component elements it could not have survived. If those at the head of the scheme had freed themselves from its rules, they could not have continued to wield any influence. Impartial students will admit that the praise of the Brāhmaṇa was generally deserved, and the unworthy member of the *varṇa* was sure of denunciation from his own group as well as from others. To this day, lives worthy of comparison with the highest in tradition continue to be led by members of the *varṇa* in the obscurity of their homes on the country side, though to sustain them in the conditions of modern town life is almost impossible. The scheme of *varṇas* lived, served and survived because it was based on a reasoned philosophy of existence, of rational perception of the strength of instincts, and of the possibility of conserving them by heredity.

Emphasis on duty instead of privilege, on the interdependence of individuals despite divisions, on the fundamental equality of all selves engaged on a common pilgrimage to the distant spiritual goal, and on common ethical duties against a background which coincided with Time and Space in their infinity, tended to results on human nature, which produced in every one both contentment and self-respect and the desire to strive for his own salvation and that of every one else. There is both experience and philosophy behind the proverbial patience of India's millions, which have enabled them to survive vicissitudes in the face of which other cultures and peoples have crumbled up. These are crystallized in the system which has been expounded, to those who understand their implications and basic assumptions, by writers like Manu. A study of their sociological ideas might still have value in the disillusioned modern world, whose faith in old dispensations has been shattered in the impact of two world wars, and which hankers for some guidance towards re-constructing society on a plan that would save it for ever.

LECTURE V

THE ĀŚRAMA SCHEME

Varṇa Scheme Comprehends Āśrama.

The system of *varṇas* is the pivot on which all duties of human beings revolve. This is the reason why the sages are represented as approaching Manu and praying him to " declare to them in due order (*anupūrvaśaḥ*) the duties (*dharmān*) of all the *varṇas*, including those of the mixed castes (*antarāprābhavaṇām*) (1), (*Manusmṛti*, I, 2),[1] and the recital includes not only those of *varṇa-dharma*, pure and simple, but of *āśramas*, etc. The sage Yājñavalka is similarly besought (I, 1) to expound to the assembled sages the duties of varṇas, *āśramas* and other (*varṇaśrmētarāṇām ca dharmān brūhi*), and he gives a comprehensive account of *all* duties. A person *must* belong to a *varṇa*, according to the cosmic scheme expounded by Manu. The *varṇas* are only four, and there is no fifth (*nāsti tu pañcamaḥ*, X, 4). The place of the mixed castes is *in* the *varṇa*, so far as their duties are concerned, if they are of *pratiloma* birth, and *between* the castes of their respective parents, if *through-out* of *anuloma* descent. Before a person can enter an *āśrama*, therefore, he must have a *varṇa*.

Classes of Dharma based on them.

In classifications of duties, Dharma is taken as of five or six kinds : the five on which there is general agreement are *varṇadharma*, *āśrama-dharma*, *varṇāśrama-dharma*, *guṇadharma* and *naimittika-dharma*. The sixth is *nitya-dharma* or *sādhāraṇa-dharma* or duties common to all men, *i.e* common ethical precepts, of which *Manusmṛti* is full, but the systematic treatment of them is not attempted by the great smṛtis, with the result that superficial observers, who have looked for the Indian moral code only in the smṛtis and in the literature of Indian *darśanas*, have made absurd statements denying the existence of moral rules in Hindu literature ! *Guṇa-dharma* springs from office or position. In the classifications no separate place is found for the duties peculiar to women, and a code for them should be regarded as coming under both *guṇa-dharma* and *naimittika* (specific or occasional, like expiatory

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1. भगवन् सर्ववर्णानां यथावदनुपूर्वशः ।
अन्तरप्रभवाणां च धर्मान्नो वक्तुमर्हसि ॥ (१,२)

duties) *dharma* as well as under *āśrama* and *varna dharma*, in regard to marriage, etc. In effect the comprehensive consideration of *varṇa* and *āśrama* will exhaust the entire field of human duty, which Dharmaśāstra regards as eternal (*sanātana*).

Four Āśramas.

Āśrama means literally a stopping or halting place. It is appropriate to describe the stages in the passage through life as those which one is asked to remain at for a considerable time. The stages are invariably described as four, and the order of their enumeration generally is that given by Manu (VI, 87): those of the student (*brahmacārin*), the householder (*gṛhastha*), the hermit or forest-dweller (*vānaprastha*) and the ascetic (*yati*). A synonym for the hermit's name is *vaikhānasa,* and the ascetic is described also as *sannyāsin, bhikṣu, muni*, and *parivrājaka,* terms derived from some of the features of the ascetic's enjoined life. Manu adds to his enumeration the significant declaration that all the four spring from the householder (*grahastha-prabhavāḥ*). Without family life there will be no people for any *āśrama*, and as all the other three are dependent for their support on alms given by the *gṛhastha* they are economically dependent upon him. Even the gods look to him; for it is only the householder who is authorized to perform sacrifices on which the gods depend. This is probably the basis of the ancient legend retailed by Baudhāyana that originally there was only the *gṛhasthāśrama*, and the Asura Kapila, the son of Prahlāda, and a foe of the gods, instituted the other three *āśramas* in order that the gods may lose some of their offerings. The story may mean nothing more than the rational suggestion that the only natural organization of society is the family, centering round its head (the householder), and that later on, for enabling the disciplined life, which is necessary for the fulfilment of the spiritual pilgrimage of man, the other three were added. Manu's position is that like the *varṇas* they represent the primordial regulation springing from the Supreme Being, and that they rest also on divine sanction. One may find the tendency to form social groups, on a hereditary or occupational basis, more *natural*, as stratification in classes is pretty universal, whereas the division of life into definite periods and the imposition of special duties and discipline to each *varṇa* within the new grouping suggests *artificial* creation. If it was so, it was in very remote times, as the Vedic literature knows the stages, though the name *āśrama* does not occur in the *Saṁhitas*

Legend of creation of āśramas.

and *Brāhmaṇas*. The term *Vaikhānasa* (*Tāṇḍya Mahābrāhmaṇa*, 14, 4. 17) appears, as pointed out by MM. P.V. Kane [1], to refer to *vānaprastha*. The *yati* (the name given to the member of the fourth *āśrama* in *Manusmṛti*, XII, 48), who is declared to have incarnated from the lowest type of *Sāttvika* quality, appears in Vedic literature as an enemy whom Indra delighted to "throw to the wolves" (*śalāvṛkāḥ*). Can there be any connection between the Vedic *yati* being one who did not honour Indra by sacrifices, and the freedom from the *karma-mārga* claimed for *sannyāsins*?

Āśramas sequential and obligatory.

In *Manusmṛti* the *āśramas* are made sequential in the order of their enumeration by it. It indicates for each one-quarter of the span of human life: the first is to be devoted to *brahmacarya* (IV, 1) [2] dwelling with the teacher (*usitvādyam gurau*), the second to *gārhasthya* (family life), the third (which is to be accepted only when the hair begins to turn grey, wrinkles appear on the skin and sons have been born to sons, VI, 2) to forest-life (*araṇyam samāśrayet*) [3], and the last to cutting away from society altogether by becoming a mendicant ascetic.[4] Manu is definitely of the view that one should progress to *sannyāsa* stage by stage (*sarvepi kramaśastvete yathāśāstram*) and in accordance to the rules of each stage.[5] There was an ancient view, to which reference is made in the *Jābālopaniṣad*[6] (which is also upheld by Śaṁkara)[7] that one can proceed to the last stage straight from the first, after that stage is covered. No one can become an ascetic without undergoing the full period of studentship, even in this view. The interpretation is criticised on the ground that the

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1. *History of Dharmaśāstra*, II, p. 418.
2. चतुर्थमायुषो भागमुषित्वाद्यं गुरौ द्विजः ।
   द्वितीयमायुषो भाग कृतदारो गृहे वसेत् ॥ (४,१)
3. गृहस्थस्तु यदा पश्येद्वलीपलितमात्मनः ।
   अपत्यस्यैव चापत्यं तदारण्यं समाश्रयेत् ॥ (६,२)
4. वनेषु च विहृत्यैव तृतीय भागमायुषः ।
   चतुर्थमायुषो भाग त्यक्त्वा सङ्गान् परित्यजेत् ॥ (६,३३)
5. सर्वेऽपि क्रमशस्त्वेते यथाशास्त्र निषेविताः ।
   यथोक्तकारिण विप्रं नयन्ति परमां गतिम् ॥ (६,८८)

6. ब्रह्मचर्यं परिसमाप्य गृही भवेत् , गृही भूत्वा वनी भवेद्वनी भूत्वा प्रव्रजेत् । यदि वेतरथा ब्रह्मचर्यादेव प्रव्रजेद्गृहाद्वा वनाद्वा । यदहरेव विरजेत्तदहरेव प्रव्रजेत् ॥ (जाबालोपानिषत् , ४)

7. ब्रह्मसूत्रभाष्य, ३,४,२०, See the discussion in my Introduction to the *Mokṣakānda* of the *Kṛtyakalpataru* (1945), pp. 29-30.

Vedic injunctions to perform all one's life the *Agnihotra*, and to repay the triple natal debt (*ṛṇatraya*) can be discharged only in family life, which cannot therefore be skipped. It may be noted that the apologists for the short-cut to *sannyāsa* support their plea on the ground that some are constitutionally desireless and ascetic in temperament, and to such persons entry into the last *āśrama* after finishing the first is permissible. The verse of Manu (VI, 38),[1] which appears to give an option is really a description of the ritual for abandoning the house-holder's life.

Premature entry into ascetic life of one whose passions have not been conquered, and who is physically still subject to *rājasa* or *tāmasa* impulses, can only spell disaster. From a social standpoint the moral is that one should not fly away from his responsibilities to society (and to the gods, manes and seers) and seek refuge in asceticism. The two last *āśramas* are parasitical in the sense that their sustenance, even under the safeguards limiting it to irreducible minimum, is an obligation cast on the earning members of society. From an economic and materialistic standpoint a monk is a mere drone in the hive and the limitless multiplication of monks can spell ruin to the community. It is for this reason that asceticism is not commended to the economic members of society. In a famous apologue in the *Mahābhārata* his queen chides King Janaka, who had become a *sannyāsin*, for desertion of his duties.[2] It was prohibited to women (Yama, in *Smṛticandrikā*, Vyavahāra, p. 596).[3] Kauṭilya makes it an offence to persuade a woman to embrace the ascetic mode of life.[4] Manu holds out the assurance of the attainment of supreme bliss only to the person who becomes a *sannyāsin* after going through the earlier stages. From the standpoint of the interests of the community, the first *āśrama* is vital, as no one should remain uneducated, and the second

Reasons for imposing sequence.

Why sannyāsa is not made obligatory.

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1. प्राजापत्यां निरूप्येष्टिं सर्ववेदसदाक्षिणाम् ।
आत्मन्यग्नीन् समारोप्य ब्राह्मणः प्रव्रजेद्गृहात् ॥ (६,३८)

2. *Śāntiparva*, 18, 1—26 The queen's speech is a reasoned criticism of escape into asceticism.

3. यमः—स्त्रिया श्रुतौ वा शास्त्रे वा प्रव्रज्या न विधीयते ।
प्रजा हि तस्याः स्वो धर्मो सवर्णादिति धारणा ॥
(स्मृतिचन्द्रिका, व्यवहारकाण्ड, ed. Myore, p. 596)

4. पूर्वः साहसदण्डः स्त्रियं प्रव्राजयतः (p. 48.)

(*gṛhasthāśrama*) is equally vital to society. While studentship is lauded, a prejudice grew against prolonging it to 36 and 48 years, on the plea of fully studying Veda after Veda. It is the reason for the condemnation of prolonged celibacy (*dīrghakāla-brahmacarya*) as unsuitable for Kaliyuga. The institution of lifelong *Brahmacarya* of the *Naiṣṭhika*,[1] who is to spend his life in the family of the teacher (*ācārya*) and which is commended by Manu (II, 243, 249)[2] as ensuring the student-celibate the highest spiritual destiny, is thus held to be barred. As a celibate student cannot be a teacher, his services are lost to the community by his vow (*vrata*). A similar social purpose may be seen in the discontinuance of *upanayana* for girls and the consequential life in the teacher's house. A woman has a higher use for society than to become a blue-stocking.

Lifelong celibacy deprecated.

While it is the aim of every one to strive for final liberation and to do all in his power to ensure his progress to the goal, the discipline of two last *āśramas* obviously provides a better approach to it than the second, which can be regarded as a suitable preparation for the two last. In the scale of values, *artha* and *kāma* are suitable to the *gṛhastha*, while that of *mokṣa* is the one and only aim for the hermit and ascetic. It is on this ground that *sannyāsa* is termed *mokṣāśrama*.

The Life of the Sannyāsin.

Baudhāyana indicates seventy years as the proper time for one to enter the last *āśrama*. It roughly corresponds to the prescription of the stage in the fourth quarter of a man's life. Entry into the *āśrama* is by formal rites, which are detailed by Baudhāyana and other *sūtrakāras*. An important and symbolic act in the ceremony is the grant of *abhaya* (assurance of freedom from fear) to all created beings (*abhayam sarvabhūtebhyo dattvā*, VI, 39). After his formal entry, the ascetic is to provide himself with a drinking vessel, a staff made up of three bamboos tied together (*tridaṇḍa*), a water jar and tattered ochre colored garments. He is debarred from using metal vessels, owning money, having any contact with the world or worldly affairs, recalling his old name or associations, speaking to women, and from remaining in the same place for over

1. B. Bhattacharya, *Kalivarjyas*, 1943, pp. 46-48.
2. यदि त्वात्यन्तिक वासं रोचयेत गुरोः कुले ।
युक्तः परिचरेदेनमाशरीरविमोक्षणात् ॥
एव चरति यो विप्रो ब्रह्मचर्यमविप्लुतः ।
स गच्छत्युत्तमस्थानं न चेहाजायते पुनः ॥ (२,२४३,२४९)

three days except during the rainy season. He must pursue the steps in meditation, which are indicated in outline in the twelfth book of Manu, so as first to withdraw his mind from the world and then concentrate it on the Self. He should live abstemiously on cooked food collected after the householder's hearth has been extinguished, i.e, in the afternoon. He should wander alone, remain celibate and spend his time in reciting or calling to his recollection Vedic texts.

Manusmṛti speaks of a type of renunciation, which allows the informal *sannyasta* to remain in his own house under the protection of his son (IV, 257-258, VI, 94-96). He gives up the performance of enjoined rites, assumes the ascetic role but remains in the house, without becoming a wanderer.[1]

The Hermit.

Manu allows entry into the order of hermit only after one has fulfilled his duties in domestic life and is satiated with it. He must no longer be needed for his family or for his community. His renunciation is only of his associates and his dwelling, and the choice of an *araṇya* (forest) for dwelling is to enable him to practise undisturbed different forms of austerities. (VI, 20-28). He takes his household fires with him, and, in at least the earlier stages of his hermit life, he maintains the five fires. He must bathe thrice a day (VI, 22, 24), and his inhibitions include the eating of flesh, grain grown on cultivated land, honey, and maintaining domestic utensils, and some of the periodical sacrifices also. He may end his life by starvation or by walking on till he drops dead. (VI, 31). He may go alone to the forest, leaving his wife under the care of his sons, or she may follow and serve him in the hermitage. He is allowed to beg his food in the adjoining village (VI, 27-28). He must accept no gifts (VI, 8).[2] He is exhorted to be compassionate to all creatures, to cultivate a mood of serenity, to study the *Vedānta* (*i.e.* the Upaniṣads) and recite the Veda. Unlike the two types

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1. महर्षिपितृदेवानां गत्वाऽऽनृण्यं यथाविधि ।
पुत्रे सर्वं समासज्य वसेन्माध्यस्थ्यमाश्रितः ॥
एकाकी चिन्तयेन्नित्य विविक्ते हितमात्मनः ।
एकाकी चिन्तयानो हि पर श्रेयोऽधिगच्छति ॥ (४,२५७,२५८)
दशलक्षणकं धर्ममनुतिष्ठन् समाहितः ।
वेदान्तं विधिवच्छ्रुत्वा संन्यसेदनृणो द्विजः ॥
संन्यस्य सर्वकर्माणि कर्मदोषानपानुदन् ।
नियतो वेदमभ्यस्य संन्यसेदनृणो द्विजः ॥ (६,९४–९५)
2. दाता नित्यमनादाता (६,८)

of ascetics, described already, he does not altogether *renounce* the world; he onle *retires* from it. He does not lead a wandering life. He keeps up the lifelong obligation to perform enjoined Vedic rites. The dedication for social service that some modern students have seen in his life is not inferable from the description in the smṛtis.

The two last *āśramas* have more value to their own members than to society, except in removing from active life men who had grown too old for efficient conduct of affairs, and thereby provided a natural mode of superannuation. The third *āśrama* was not only open to Kṣatriyas but was perhaps open to Vaiśyas also, as Manu uses the word *dvija* as regards entrants to the *āśrama.* According to the *Vaikhānasa Dharmasūtra* (XIV, 117-118), however, all four *āśramas* are open to the Brāhmaṇa, all except *Sannyāsa* to the *Kṣatriya,* all but the last two to the Vaiśya and only *Gārhasthya* to the Śūdra.

The selection coincides with the lay interests of society, which can ill afford to lose the services of its economic classes.

Unlike the *sannyāsin,* the *vānaprastha* is not inducted into his *āśrama* by any special ceremonial. The option to leave his wife behind, when he retires to the forest, or take her with him, is interpreted by Medhātithi as implying that she is to be left behind if still a matron (*taruṇī*) and taken to the forest if she is also aged (VI, 3).[1] Both have to observe the vow of continence.[2] The time for departure to the forest is *Uttarāyaṇa.* The appearance of grey hair and the birth of a grandson are to be taken as *alternative* indications of the approach of the time for departure from household life, according to Vijñāneśvara, but Mitramiśra dissents from this view. He should observe a vow of silence as far as possible (*Āpastamba,* XXII, 18, 21). He may build a hut for his fire, but should himself live in the open and sleep on the bare ground (*Ib.* XXII, 24). He can eat only the salt he himself prepares (VI, 12). He should not, according to a dictum ascribed by Mitramiśra to Vasiṣṭha but not found in the printed text of the smṛti, re-enter his village. But he is not cut off from his old family and friends. Gautama prohibits his stepping on land that has been ploughed (III, 32-33). He may hoard his food but not for more than a year (VI, 15; Gautama, III, 35). He must become impervious (by his training) to sensation, pleasant or unplea-

1. यदि भार्याया इच्छा तदा सहागमनं, अन्यथा एकाकिनः ।
अन्ये तु तरुणीं निक्षिप्य वृद्धया सहेति वर्णयन्ति ॥ (मेधातिथिः, ६,३)

2. निवसेन्नियतेन्द्रियः (६,४)

sant; be the same whether his body is shampooed with sandal paste or torn by thorns (*Yājñavalkya*, III, 53).[1] The hard life that he leads will take him to the realm of Brahman (*Brahmaloke mahīyate*, VI, 32) "free from sorrow and fear" (*vītaśokabhayaḥ*). The general view is that the hermit has the same access to *mokṣa* as the *yati*, through his mode of life, but Medhātithi holds (after a long discussion) that he attains only the inferior end of *Brahmaloka*. In two respects the ascetic and the hermit differ. The latter is allowed to commit suicide by starvation or by *mahāprasthāna* (the great journey), while the asectic must await his natural end; and the hermit apparently has no penance to do or punishment to undergo if he reverts to his house, while the ascetic who gives up *sannyāsa* becomes for life the slave of the king.[2]

Mere entry into the two *āśramas* will not assure one *mukti*. The steps to *mukti* are usually stated as five: loss of illusions; extinction of all desire; overcoming the feeling of personality; complete disappearance of any tinge of attachment to the world; and absolute isolation. All these may be obtained even when one is in the second *āśrama*, but the isolation in the forest or the life of the ascetic offer greater facilities for obtaining them. While the two first stages of life were compulsory for all *dvijas*, being *saṁskāras*, and the second obligatory for all but the very few who elect to remain celibate-students for life (*naiṣṭhika*), the last two *āśramas* are only commendatory and optional. The third *āśrama* (from the instances in the epics) seems to have been more for Kṣatriyas than for Brāhmaṇas, and its gradual disappearance, after inclusion among the inhibitions of Kaliyuga, is intelligible. It is noteworthy that it continued to be described in mediæval digests as available. It was harder than the last, because of the obligation to continue the prescribed sacrifices. If life is viewed as a sequence of symbolic sacrifices (*yajña*), the life of the first *āśrama* provides for *brahma-yajña*, of the second for *karma-yajña* and the last two for *jñāna-yajña*.

If the *āśramas* are viewed from the standpoint of the relation of the individual and the community, in the first *āśrama* the group looks after the individual *Brahmacārin* and his teacher, the maintenance of both becoming a social obligation: in the second, the individual, as *pater familias* has to look after groups, family, society, etc; in the third the individual becomes independent of the group,

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1. यः कण्टकैर्वितुदति चन्दनैर्यश्च लिम्पति ।
अक्रुद्धो परितुष्टश्च समस्तस्य च तस्य च ॥ (याज्ञ०,३,५३)
2. प्रव्रज्यावसितो राज्ञो दास आमरणान्तिकम् । (याज्ञ० २,१८३)

and becomes absorbed in himself; and in the fourth, though slightly dependent still on the support of society, the individual is only concerned with the ultimate end and not the immediate present, being virtually not only out of society but of this life. From the first to the last, all effort and training for it are to gain the supreme end, and in the progress to it individual and society co-operate. The *abhayadāna*, with which the entry into *sannyāsa* is symbolized, is, like the *vaiśvadeva* offering, a reminder of the one-ness of life and the kinship of self.

The First Āśrama.

Entry into the initial stage of life was to be after one has undergone the *saṁskāra* of *upanayana*. *Upanayana* means literally "leading to a person or object." In the case of the initiation of a *dvija*, for which it stands as a denomination, it means both; leading the student to *Sāvitrī-mantra*, and to the *ācārya*, who will initiate him into *Sāvitrī* and be his teacher throughout the period of studentship (*brahmacarya*). The *upanayana* marks not the beginning of education, but of Vedic instruction. After the *saṁskāra* of *caula* (tonsure) comes a ceremony named *vidyārambha*, initiation into learning, *i.e.* literacy. The *caula* or *cūḍākarman* was obligatory for *dvijas*, and it was to be done for the sake of spiritual merit (*dharmataḥ*) between the first and third years of the child. *Vidyārambha* is not a *saṁskāra* as it is teaching a child only his letters. According to Aparārka,[1] it was to be done in the *fifth* year of the child, and in any case before the *upanayana*. The performance of the ceremony, in spite of its not being a *saṁskāra*, indicates the desire for *universal* literacy in ancient India. For, according to the smṛtis (*e.g.*, *Manu*, II, 66) every *saṁskāra* was to be done for a girl as for a boy, but (with the exception of marriage,) it was to be done without *mantra*. Similarly, Śūdras, though pronounced as not needing sacraments for which they lacked the worth, are allowed by Manu (X, 126-127) to go through the ritual of the *dvijas*, 'without incurring sin but winning praise,' without repeating the presribed *mantras*. There is a statement of Kauṭilya that a prince (*i.e.*, Kṣatriya) was to be taught reading, writing and arithmetic before his *upanayana* and after his *caula* (I, 5: *vṛttacaulakarmā lipim saṁkhyānam ca upayuñjīta*), but as the *upanayana* of the Kṣatriya is three years later than that of a Brāhmaṇa boy, the duration of lay-schooling must be longer in the case of the former. Manu makes no reference to lay learning, and it must not be presumed from it that in the case of the first *varṇa* especially, the

1. pp. 20-21.

initiation into the three "R's" was omitted. It was probably done in the case of girls and Śūdras also, without a formal ceremony, as it is still done.

Universal literacy was the ideal. Just as we find that a king (in the *Mahābhārata*) boasts that there are no beggars in his kingdom, so king Aśvapati boasts (*Chāndogya Upanışad*, V, 115) that there was no illiterate person in his kingdom.[1] In the case of the three first *varṇas* atleast some advance in literacy must be postulated before *upanayana,* which every boy in these *varṇas* must undergo, unless physically defective. The edicts of Aśoka are incised on rocks or pillars, which were placed on frequented highways and places. They are in the vernacular. It is open to presume that in his far-flung dominions there must have been widespread literacy, as without it they would be purposeless. We have in Vātsyāyana references to the literacy of girls.[2]

The purpose of *upanayana,* from a cosmic standpoint, is to enable a *dvija* to discharge the first of the three natal debts. The institution is ancient and goes back to the Veda. The time for it is the eighth year from conception in the case of the Brāhmaṇa, the eleventh in the case of the Kṣatriya and the twelfth in the case of the Vaiśya. These ages may be advanced, according to Manu (II, 37), to the fifth, sixth and eighth years in the three *varṇas* respectively, if the father desires that the son should be proficient in the chief activity of the *varṇa, viz.* Vedic learning, power, or success in business.[3] It does not mean that the education of the children in the caste-pursuits will begin earlier, but it is expected that the spiritual merit will give the advantage specified in each case. Initiation must be completed before a certain age, if the boy is not to become a *vrātya*: the limit is the 16th year for the Brāhmaṇa, the 22nd for the Kṣatriya and the twentyfourth for the Vaiśya. The later start and longer interval for *upanayana* without loss of caste, in the case of the second and third *varṇas,* may reflect a view of their spiritual immaturity, at the same age as a Brāhmaṇa child, or the absence of any necessity for such children to be proficient in the same Vedic learning as the latter. The curriculum for a prince was probably also that for a Kṣatriya

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1. न मे स्तेनो जनपदे, न कदर्यो, न मद्यपो, नानाहिताग्निर्नाविद्वान् ।
(छान्दो० उप० ५,११,५)

2. See *Kāmasūtra*, p. 229; and H. C. Chakladar—" Social Life in Ancient India—Studies Vātsyāyana's Kāmasūtra," p. 175 and pp. 180-181.

3. ब्रह्मवर्चसकामस्य कार्यं विप्रस्य पञ्चमे ।
राज्ञो बलार्थिनः षष्ठे वैश्यस्येहार्थिनोऽष्टमे ॥ (२,३७)

generally; and it included subjects like philosophy, economics, and politics in addition to the Veda, and had to be completed before the age of majority or soon after. In the case of a prince it would be unreasonable to expect the continuance of education beyond the period absolutely necessary for his future responsibilities.

It would be interesting to note the importance assigned to education in ancient Indian social thought. Education came first. It was every one's birthright. If *vidyārambha* was the beginning of literacy, *upanayana* marks the induction into sacred and redeeming lore. The training for other *varṇa* functions like direction and teaching (*śikṣā*) for the Brāhmaṇa, protection (*rakṣā*) for the Kṣatriya, and productive activity (*jīvikā*) for the Vaiśya are involved as corollaries to the education that starts with both the ceremonies. Receptiveness to the urge of social duty is what Hindu educational discipline aimed at. The boy was made from the beginning to realize his dependence on others for both material sustenance and for moral and spiritual food. The rule that marriage should come *after* the completion of education, in the case of *dvijas*, carried the implication that those on whom the main duties of bearing the burden of the community fell, *viz.* the householders, should not remain an uneducated or untrained section. An educated parent implies an educated child. A father, who had undergone the discipline in *gurukula*, will appreciate the value of the training for his own children. In Manu's system, no citizen, atleast no *dvija*, can remain uneducated, undisciplined and impervious to his social and spiritual duties. In both a narrower and a broader sense, education, according to the smṛtis, implied a *complete* training. In the larger sense, it was held to comprehend all the preparatory processes for making the body, the mind and the spirit respond to the call for the task of moulding activity to the ultimate end of existence. The body must be sanctified for the residence of the purified self. The *saṁskāras*, which punctuate life, are designed to this end. Manu is clear on the point. If this human frame is to be made a suitable mansion for the Soul (*Brāhmīyam kriyate tanuḥ*, II, 28), the preparation must be made with the holy rites laid down by the Veda, in the due performance of the rites of sacrament (*saṁskāras*) like *garbhādhāna*, the *homas* during pregnancy, the *jātakarma, caula* and *mauñjībandhana* (initiatory ceremony). They remove the taint received from both the parents at birth; and the self must be made fit by the study of the Veda, by the practice of vows, by *homas*, by the acquisition of Vedic learning, by offerings to the gods, sages and the manes, by begetting sons, by performing the great sacrifices and by Śrauta rites. The body and the mind, "the physique and the psyche," are to be freed from the contamination to which the human birth is

subject. The transfiguration of man is to be accomplished by a process, spread throughout life, in which the culture of the mind and the spirit are not more essential than the training of the body. The ascetic habits of studentship, which anticipate the greater rigors of the last two *āśramas,* and the discipline of vows (*vrata*) spread throughout family life, mark the beginning of the process of the sublimation of body and spirit, which is the purpose of lifelong education of both (*Manu,* II, 26-28).[1]

What the body is to the spirit that secular studies are to spiritual. When a boy, after initiation, takes his place along with boys of his age, in the house of the teacher (*ācārya*), he becomes a member of a brotherhood in which social inequality is obliterated. In submission to a common code of conduct (which begins with the collection of fire sticks, *samidh,* for his daily offering to the fire, and is continued in his collection of alms both for himself and fellow pupils and members of the family of the *ācārya*) and to an abstemious mode of life, from which every trace of luxury and comfort has been removed, the *Brahmacārin* learns many lessons: the higher value of the spirit over the body, the pettiness of the grosser appetites, the subordination of self to the call for work for others, the interdependence of all members of society, the transitory nature of family bonds as compared with spiritual bonds, the duty owing to the teacher and guide, who, without remuneration, teaches and cherishes him, the power of continence, and the cultivation of good manners as well of good morals, and vision of ultimate and real values. It begins with the gift of the *Sāvitrī,* to every foot of which mystic virtue is attached (II, 76-79).[2] The mother is the author of mere physical birth; the teacher and *Sāvitrī*

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1. वैदिकैः कर्मभिः पुण्यैर्निषेकादिर्द्विजन्मनाम् ।
कार्यः शरीरसंस्कारः पावनः प्रेत्य चेह च ॥
गार्भैर्होमैर्जातकर्मचौडमौञ्जीनिबन्धनैः ।
बैजिकं गार्भिकं चैनो द्विजानामपमृज्यते ॥
स्वाध्यायेन व्रतैर्होमैस्त्रैविद्येनेज्यया सुतैः ।
महायज्ञैश्च यज्ञैश्च ब्राह्मीयं क्रियते तनुः ॥ (२,२६-२८)

2. अकारं चाप्युकारं च मकारं च प्रजापतिः ।
वेदत्रयान्निरदुहद् भूर्भुवःस्वरितीति च ॥
त्रिभ्य एव तु वेदेभ्यः पादं पादमदूदुहत् ।
तदित्यृचोऽस्याः सावित्र्याः परमेष्ठी प्रजापतिः ॥
एतदक्षरमेतां च जपन् व्याहृतिपूर्वकम् ।
संध्ययोर्वेदविद्विप्रो वेदपुण्येन युज्यते ॥
सहस्रकृत्वस्त्वभ्यस्य बहिरेतत् त्रिकं द्विजः ।
महतोऽप्येनसो मासात्त्वचेवाहिर्विमुच्यते ॥ (२,७६-७९)

are the the authors of spiritual birth (II, 170).[1] The teacher who *initiates the student is as much a father as his parent* (II, 171).[2] But for the initiation he would have remained a Śūdra—for all are born as Śūdras—till reborn through initiation into *Sāvitrī* (II, 172).[3] A third birth for the twice-born comes when a *dvija* is initiated as a sacrificer. It is not mere memorizing of the Veda that he must learn; he must master the secret behind the Veda (*rahasya*), *i.e.* the philosophy of existence that one finds in the *Upaniṣads*. *That* is *Vedaśāstra*. Mere power in the hands of persons who are ignorant of Reality will only be put to improper and ruinous use. Not so when it is vested in men who have mastered the hidden truth of the Veda. A general or a king may conquer this world, and lose it and his soul; but he who has mastered the truth behind existence and has a sense of tiue values has secured union with Brahman, even though he still seems to be in our midst. It is he, declares Manu proudly, who merits the command of armies and the kingship of the world, not the men who get it, without the knowledge, balance and penetration (XII, 100).[4] The magnification of the first *varṇa* which we find in *Manusmṛti* and in smṛtis generally is not the laudation of a caste as of those in whom this redeeming knowledge, that is used from generation to generation for the education and spiritual uplift of *all*, is found. It is the teacher of *adhyātmavidyā*, actual or potential, not the class to which one belongs, that secures veneration. The *śrotriya* (learned Brāhmaṇa householder) is the only person competent to give this teaching. If the class is starved out, society perishes. The *śrotriya* is not an ordinary Brāhmaṇa. In a familiar definition, he is one who has many devoted disciples (*śrotāraḥ*), who follow him, and who unites learning to a blameless life. It is he who cannot be drawn away from his higher duty by being summoned as a witness in court (VIII, 65). It is he who is free from taxes (VII, 133), for he pays society by his unremunerated educational and spiritual services. It is his property that cannot be lost by adverse possession (VIII, 149).[5] It is he whom the king must delight to honour and support (VII,

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1. तत्र यद्ब्रह्मजन्मास्य मौञ्जीबन्धनचिह्नितम् ।
   तत्रास्य माता सावित्री पिता त्वाचार्य उच्यते ॥ (२,१७०)
2. वेदप्रदानादाचार्यं पितरं परिचक्षते ॥ (२,१७१)
3. शूद्रेण हि समस्तावद्यावद्वेदे न जायते । (२,१७२)
4. सेनापत्यं च राज्यं च दण्डनेतृत्वमेव च ।
   सर्वलोकाधिपत्यं च वेदशास्त्रविदर्हति ॥ (१२,१००)

   Dr. K. P. Jayaswal construes this as a justification of Puṣyamitra's usurpation.
5. राजस्वं श्रोत्रियस्वं च न भोगेन प्रणश्यति ॥ (८,१४९)

134-136), for he is the spiritual stay of the community.[1] Honour and veneration are his due, and are shown vicariously even to those of his blood (III, 184),[2] who carry his tradition of Vedic learning. It is the apotheosis of the teacher. Manu is not unaware of Brāhmaṇas, who neglect learning and sink to the Śūdra level (II, 168).[3]

The significant change in the position of the *Brahmacārin* that *upanayana* brings about may be seen from a few results. During studentship, the student is cut off from his family. His is a life of dedication for study and service to the teacher. Birth and death impurities in his family do not touch him, for he is one under a vow (*vratin*).[4] Though he may be of opulent parentage, his first act, after his initiation, is to ask for alms, and it significantly begins with his mother, and nearest female relations, who are addressed as *Bhavati* (Lady), as if they were strangers. But afterwards he should collect alms only from strangers, and never exclusively for himself. His membership in society however asserts itself, as his Vedic studies are interrupted by the death of the king or during an interregnum.[5] Though moderation in food is advised for the student, the amount that he may consume is not restricted (*amitam brahmacāriṇaḥ, Vasiṣtha,* 6, 20). The intimate relationship established between the teacher and pupil is indicated by both being regarded in fact as members of the same family. Misconduct with a teacher's wife (*gurutalpaga*) is an inexpiable sin, equal to the worst form of incest. The teacher and pupil observe death pollution if one of them dies. They can inherit to one another. Speaking ill of a teacher is like doing so of one's parents. The terms of affection established between them is indicated by the teacher repeating towards the pupil, during *upanayana* virtually the same formula of address, as the bridegroom uses towards the bride: "I place thy heart unto duty to me; may thy mind follow my mind; may you attend on my words single-mindedly; may Bṛhaspati appoint thee unto me." (In the formula used by the husband Prajāpati is substituted for Bṛhaspati).[6] The relationship is permanent. Casting off one's teacher is not merely

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1. यस्य राज्ञस्तु विषये श्रोत्रियः सीदति क्षुधा । तस्यापि तत्क्षुधा राष्ट्रमचिरेणैव सीदति ॥
संरक्ष्यमाणो राज्ञा य कुरुते धर्ममन्वहम् । तेनायुर्वर्धते राज्ञो द्रविणं राष्ट्रमेव च ॥ (७,१३४,१३६.)
2. श्रोत्रियान्वयजाश्चैव विज्ञेयाः पङ्क्तिपावनाः । (३,१८४)
3. योऽनधीत्य द्विजो वेदमन्यत्र कुरुते श्रमम् । स जीवन्नेव शूद्रत्वमाशु गच्छति सान्वयः ॥(२,१६८)
4. न राज्ञामघदोषोऽस्ति व्रतिनां न च सत्रिणाम् । (५,९३)
5. विषयस्थे च राज्ञि प्रेते (गौतम, १६,३२)
6. अथास्य दक्षिणाँ समधिहृदयमालभते—"मम व्रते ते हृदयं दधामि मम चित्तमनुचित्तं तेऽस्तु ।
मम वाचमेकमना जुषस्व बृहस्पतिष्ट्वा नियुनक्तु मह्यम्" इति ॥ (पारस्कर, गृ. सू., २,२,१८)

indecorous and ungrateful; it is an offence. Each lesson begins with a benediction and prayer which both recite, and which symbolizes their union.[1]

The solemnity of the ceremonial and the way of life in the teacher's house are such as must model the plastic mind of the boy and attune it to the high purposes of life. By making *gurukulavāsa* obligatory, the distractions of the boy's family life are avoided. To lead the pupil from darkness to light was the function of the teacher, for which both prayed. A pupil could never forget that the obligation was all on one side, in the relations between him and his *ācārya*, and like the duty to parents it could never be forgotten. Among students, merit alone counted. In learning, its own weight alone counted; neither age nor position. Manu illustrates it by the apologue of young Kavi, who was so learned that he used to address his older relations as 'children' and was upheld by the gods on appeal on the score of his superior erudition (II. 151-153).

The salient feature of *brahmacarya* was its combining spiritual and moral training with intellectual. Deportment and behaviour received great attention, and the rules of salutation were scrupulously taught and enforced. The strict regimen, combined with constant employment in spiritual and mental activity, tended to keep the adolescent student from succumbing to the urge of the senses. Virginity in the student was not less prized than in the girl, and naming celibacy *brahmacarya* indicates the high honour in which personal purity was held as equal to 'living in Brahma', (II, 180, 175). Purity in thought and action must accompany mere bodily purity. Rectitude, abstemiousness, cleanliness and modesty were the virtues that the student imbibed under the teacher's roof. He went out of it, master of not only learning but of his self.

It has been stated that the principle of equality is not held up as a source of natural rights in India. It is recognized, however, in the treatment accorded in the family group, and in the *gurukula*, where no differenece is made between *brahmacārin* and *brahmacārin* on the score of their family and economic position. To share in poverty is to learn to feel for those who suffer from it That riches and poverty are accidental, that in long range vision they have no value, apart from their repercussion on character, are the lessons driven by the first *āśrama* into the receptive minds of the young pupils in their most plastic age. One's duty to one's fellow beings, and to one's own self (*ātman*), were the things that were taught him. Our advance in

1, *Tait. Upaniṣad*, II, :
ओं सह नाववतु । सह नौ भुनक्तु । सह वीर्यं करवावहै । तेजस्विनावधीतमस्तु मा विद्विषावहै ॥

educational psychology and the psychology of adolescence has not carried us farther than the rules of the first *āśrama*, which sought to create the foundation for the life that was to make a man ultimately realize his self.

The life of the *brahmacārin* had two sides of activity : that devoted to the acquisition of knowledge in the highest sense (*vidyā*); and that in which the mind, soul and body were disciplined by a course of rigorous adherence to vows (*vrata*) of continence, truthfulness and poverty. The termination of a sacrifice (*yāga*) is signified formally by a ritual bath (*snāna*). The end of studentship was similarly marked. If the student had satisfied himself that he had acquired both *vidyā* and the fruit of the fulfilment of his vows (*vrata*), he was a *vidyā-vrata-snātaka*. He was qualified to enter upon the next stage of life. He had come back to the bosom of his family and the community from which he had been separated as a boy. A new set of vows and discipline awaited him, as one who had shown his capacity and learning. The duties of a *snātaka* are the duties of the citizen. He who had accomplished the aims of his studentship was a valuable potential member of the community. He was welcome as a guest (*atithi*) everywhere and was received with the rare honour of the *madhuparka* (honey - mixture).[1] He could take precedence even over the king in a road block, when way was to be made for both (II, 139).[2]

He is no more under tutelage. His life of disciplined asceticism is over, and he is free to use flowers and unguents. His ethical, civic and social duties descend on him the moment he marks the termination of *brahmacarya*. Even before he marries, he becomes liable to these duties The Hindu ethical code is summed up in the duties of the *snātaka*. Much space is given by Manu and the *sūtras* and smṛtis to their detailed enumeration. The most important of them from a public standpoint, as noted by *Manusmṛti* are these. He should not beg for his livelihood of any one but his pupils and the king—a suggestion of their obligation to maintain him.[3] He cannot accept help from a non-Kṣatriya king or a ruler who sets at naught the injunctions of the *śāstras* (IV, 84, 87),[4] nor remain in the territory of

1. राजर्त्विक्स्नातकगुरून् प्रियश्वशुरमातुलान् । अर्हयेन्मधुपर्केण परिसंवत्सरात्पुनः ॥(३,११९)
2. तेषां तु समवेताना मान्यौ स्नातकपार्थिवौ । राजस्नातकयोश्चैव स्नातको नृपमानभाक्॥(२,१३९)
3. राजतो धनमन्विच्छेत्संसीदन् स्नातकः क्षुधा ।
राजान्तेवासिनोर्वापि न त्वन्यत इति स्थितिः ॥ (४,३३)
4. न राज्ञः प्रतिगृह्णीयादराजन्यप्रसूतितः । सूनाचक्रध्वजवतां वेशेनैव च जीवताम् ॥
यो राज्ञः प्रतिगृह्णाति लुब्धस्योच्छास्त्रवर्तिनः । स पर्यायेण यातीमान्नरकानेकविंशतिम् ॥
(४,८४, ८७)

a Śūdra king (IV, 61).[1] He should avoid contact with sinners, *mlecchas*, and purse-proud people. (IV, 79).[2] He should control the organs of sense gratification (IV, 177).[3] Many of the rules imply the married state of the *snātaka*. The *Gṛhastha* is a *snātaka*, in the sense of having successfully graduated in the first *āśrama*.

Education does not require *upanayana*. Women and Śūdras obtain it without undergoing the rite, for which they are denied the competence. Both are asked to have the *saṁskāras* done for them without the recitation of Vedic *mantras*. (II, 66).[4] Just as a child, though born of *dvija* parents, is treated as a Śūdra till he undergoes initiation, a woman is also treated as regards her *adhikāra* (religious competence) to perform Vedic rites like a Śūdra (*strī Śūdravat*). There is, however, a great difference in the position of *dvija* women and Śūdras. In all his Vedic rites and vows the *dvija* householder is associated in their performance with his wife. When a *dvija* loses his wife, he loses his *Agni* (Fire) and cannot do the fire-rites unless he marries again. No gift is valid unless the wife pours water over the husband's out-stretched palm. By necessity, therefore a Brāhmaṇa wife must be conversant with Vedic ritual and the meaning of many *mantras*, though she may not be authorized to repeat them. She was expected to learn their meaning from her husband or her father. Manu, consistently with his rule against women's *saṁskaras* being done with Vedic *mantras* (with the exception of the *saṁskāra* of marriage or *vivāha*) considers that she can be purified by one *ācamana*, even if she is a *Brāhmaṇī*, like any Śūdra, instead of having to make three *ācamanas* like a Brāhmaṇa (V, 139).[5] He considers that marriage is the rite of initiation (*upanayana*) for women, and the contingent duties of living with the teacher and of tending the household Fire, which a Brahmacārin has to do, may be done by her by serving her

1. न शूद्रराज्ये निवसेन्नाधार्मिकजनावृते ।
   न पाषण्डिजनाक्रान्ते नोपसृष्टेऽन्त्यजैर्नृभिः ॥ (४,६१)
2. न संवसेच्च पतितैर्न चाण्डलैर्न पुल्कसै· ।
   न मूर्खैर्नावलिप्तैश्च नान्त्यैर्नान्त्यावसायिभिः ॥ (४,७९)
3. न पाणिपादचपलो न नेत्रचपलोऽनृजुः ।
   न स्याद्वाक्चपलश्चैव न परद्रोहकर्मधीः ॥ (४,१७७)
4. अमन्त्रिका तु कार्येयं स्त्रीणामावृदशेषतः ।
   संस्कारार्थं शरीरस्य यथा कालं यथाक्रमम् ॥ (२,६६)
5. त्रिराचामेदपः पूर्वं द्विः प्रमृज्यात्ततो मुखम् ।
   See also
   शारीरं शौचमिच्छन् हि स्त्रीशूद्रस्तु सकृत्सकृत् ॥ (५,१३९)
   सकृदाचामेत् त्रिर्वेति स्मृतिकौमुद्याम् । (शूद्रकमलाकर,
   ed. Nirnayasagar Press, p. 131)

husband and attending to her domestic duties (II, 67).[1] The *anupanīta* (uninitiated) boy of *dvija* parentage is treated as a Śūdra.[2] Accordingly, as an un-married girl is treated by Manu as an *anupanīta*, she must be treated also as a Śūdra for ritual purposes. In older literature we read of women who did Vedic rites. Verses, ascribed to Hārīta and Yama, are cited in some digests[3] to show that once upon a time, the rite of *upanayana* was prescribed for girls also, but that such girls did the alms collection (*bhikṣā*) within their own homes and had their Vedic instruction from the male elders of the family. The division of women into *brahmavādinī* and *sadyovadhū*, both of whom underwent *upanayana*, on the ground that if no such initiation ceremony took place for women they will remain Śūdras[4] and *dvijas* could not be born of Śūdra wombs, is not endorsed by Manu. Manu definitely rejects the competence of a woman to perform a sacrifice (IV, 205).[5] In the case of men, *upanayana* precedes, as an essential qualification for the marriage of *dvijas*; in the case of women, according to the rule of Manu cited above, it will coincide with marriage, and obviate the objection that the offspring of such unions will be born in Śūdra wombs. In Manu's scheme women have *varṇa*, not *āśrama*. They were shut out, in Hinduism, from *sannyāsa*. The *pravrajitā* (female ascetic) with whom intercourse is punishable (VIII, 363) is obviously one belonging to a heretical sect.[6]

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1. वैवाहिको विधिः स्त्रीणां संस्कारो वैदिकः स्मृतः ।
पतिसेवा गुरौ वासो गृहार्थोऽग्निपरिक्रिया ॥ (२,६७)
2. स्मृत्यर्थसारे—अनुपनीताः स्त्रीशूद्राश्च श्राद्धमृत्विजा कारयेयुः स्वय वाऽमन्त्रकं कुर्युः । (शूद्रकमलाकर, p. 54)
3. यमोऽपि—पुरा कल्पे कुमारीणां मौञ्जीबन्धनमिष्यते ।
अध्यापन च वेदानां सावित्रीवाचनं तथा ॥
स्वगृहे चैव कन्यायाः भैक्षचर्या विधीयते ॥ (संस्कारप्रकाश, pp. 402—403).
प्राग्रजसः [स्त्रीणां] समावर्तनम् । (संस्काररत्नमाला, p. 404)
4. द्विविधाः स्त्रियः, ब्रह्मवादिन्यः सद्योवध्वश्च । तत्र ब्रह्मवादिनीनामुपनयनमग्नीन्धनं वेदाध्ययन स्वगृहे च भिक्षाचर्येति । सद्योवधूनां तु उस्थिते विवाहे कथंचिदुपनयनमात्रं कृत्वा विवाहः कार्यः ॥
Cited from Hārīta in सस्कारप्रकाश, p. 402
5. नाश्रोत्रियतते यज्ञे ग्रामयाजिकृते तथा ।
स्त्रिया क्लीबेन च हुते भुञ्जीत ब्राह्मणः क्वचित् ॥ (४,२०५)
6. किंचिदेव तु दाप्यः स्यात्संभाषां ताभिराचरन् ।
प्रैष्यासु चैकभक्तासु रहः प्रव्रजितासु च ॥ (८,३६३)

Govindarāja cites a statement of Baudhāyana, not found in the printed text, that 'some authorities permitted even orthodox women to become assctics.' Govindarāja and Kullūka take *pravrajitā* to refer to Buddhist nuns.

The Householder.

Society is rooted in the family, which is formed of the union of the sexes. Marriage is the foundation of social existence. A celibate is anti-social. If celibacy became universal mankind will cease to exist. This is the reason for the Hindu disapproval of an unmarried state for women, and for the cold attitude even to lifelong celibacy of men. We are familiar, especially after the enormous wastage of man-power in the War, of the dread that creeps on nations in which the birth-rate shows a downward trend, and the encouragement that statesmen offer to motherhood. The attitude of Arthaśāstra and Dharmaśāstra was the same. They hold up the married state as an ideal, and extol the state of the householder (*gṛhastha*). The first and last *āśramas* are not authorized to cook their own food and have to subsist on alms provided by the householder. Manu permits the hermit also to live on alms that householders provide (VI, 27-28).[1] *Gārhasthya* is the source of support for the other three *āśramas.* According to the doctrine of sequence of *āśramas*, and the option to become an ascetic either after the life as a hermit or after that of the *gṛhastha*, the second *āśrama* is the stepping stone to the fourth. Manu places the life of the householder above those of the others, because he bears the burden of supporting them (*bibhạrti*), and states that as all rivers find their rest in the ocean, so all *āśramas* find their abode in that of the householder (VI, 89-90).[2] This laudation of family life is ancient. Gautama extols it as the source of the others, and as superior to them, as they are by themselves sterile and unable to perpetuate themselves. (III, 35).[3] He asserts that it is the only *āśrama* (III, 36).[4] The redemption of the ancestors from detention in

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1. तापसेष्वेव विप्रेषु यात्रिकं भैक्षमाचेरत् ।
   गृहमेधिषु चान्येषु द्विजेषु वनवासिषु ॥
   ग्रामादानीय वाश्नीयादष्टौ ग्रासान् वने वसन् ।
   प्रतिगृह्य पुटेनैव पाणिना शकलेन वा ॥ (६,२७–२८)

2. सर्वेषामपि चैतेषां वेदस्मृतिविधानतः ।
   गृहस्थ उच्यते श्रेष्ठः स त्रीनेतान् बिभर्ति हि ॥
   यथा नदीनदाः सर्वे सागरे यान्ति संस्थितिम् ।
   तथैवाश्रमिणः सर्वे गृहस्थे यान्ति संस्थातिम् ॥ (६,८९–९०)

3. तेषा गृहस्थो योनिरप्रजनत्वादितरेषाम् । (गौतम, ३,३५)

4. पेकाश्रम्यं त्वाचार्याः प्रत्यक्षविधानाद्गार्हस्थ्यस्य (गौतम, ३,३६)

put, and the three natal debts are possible only to those of this *āśrama*. The magnification of the life in the family represents a reaction to an ancient tendency to set up asceticism as the only form of spiritual life. Dharmaśāstra saw in *gṛhasthāśrama* a support of the ordained system of the universe as well as of human society. Arthaśāstra saw in it the foundation of social and economic life. Religious and political considerations converged in appreciation of it.

In a popular view, one becomes a *gṛhastha* only in order to marry. This is an inversion of the truth. He marries to become a *gṛhastha*, as competence for many religious acts springs only from the association of husband and wife. The birth of the child completes marriage, by fulfilling its primary object. The Hindu unit of society is a triad, consisting of father, mother and son. On the completion of *brahmacarya* and the lustral bath, one is qualified to become a householder, and it is only by taking a wife of his own *varṇa*, in accordance with *Dharma*, that he can set up as a householder. In the pilgrimage through life (*lokayātrā*), i e. of worldly activity, the companionship of the wife is necessary not only for happiness and the satisfaction of desire, but for the performance of enjoined rites and for the *full* discharge of the duties of the new *āśrama*. For religious duties marriage is necessary, and a single marriage, resulting in the birth of a son, is sufficient to meet the requirements. This is why smṛtis view with disfavour the taking of more than one wife. Āpastamba prohibits the taking of a second wife by a *Gṛhastha*, who has already a wife who has borne him a son (II, 11, 12-13) [1] From the standpoint of religious obligation, a second marriage is pointless and unnecessary. The satisfaction of the sex-urge in a lawful way is but one of the many gains of marriage, as pointed out by Manu (IX, 28): progeny, lifelong service, the highest pleasure, and heaven for himself and his ancestors are the gains[2]. Both service and sex-pleasure can be obtained by unions outside wedlock, but not the ritual and spiritual gains, to which the trained mind will attach more value. The *snātaka* is virtually a householder, and is treated as one in the smṛtis in the specification of the duties laid on him, which makes no distinction between the two. For example, Manu prohibits a *snātaka* from looking at a nude woman, except during sex-intercourse[3] and eating

1. धर्मप्रजासंपन्ने दारे नाऽन्यां कुर्वीत । अन्यतराभावे कार्या प्रागग्न्याधेयात् ।
(आप. ध. सू., २,११,१२-१३)
2. अपत्यं धर्मकार्याणि शुश्रूषा रतिरुत्तमा ।
दाराधीनस्तथा स्वर्गः पितृणामात्मनश्च ह ॥ (९,२८)
3. नग्नां नेक्षेत च स्त्रियम् । (४,५३)
न नग्नां स्त्रियमीक्षेत मैथुनादन्यत्र। (साख्यायनगृह्यसूत्र, ४,११,१)

in company with his wife (IV, 43).[1] The chapter on the religious duties of the householder is headed, for instance, in Lakṣmīdhara's great digest, *snātakavratāni.* There was usually so little interval between the completion of studentship, the bath (*snāna*) and marriage that it was difficult to distinguish between *snātaka* and *grahastha.* There must have been an interval between the return of the student home (*samāvartana*), after he became a *snātaka,* and his marriage; for time must have been needed for the enquiries that must be made into the fitness of various possible brides, before the wedding can be settled. Nowadays, as *brahmacarya,* in the sense of living for many years with the teacher, has disappeared as a practice, there is an ample interval between *upanayana* and marriage, and the performance of the rites of *samāvartana, godāna* and *snāna* are done as a matter of routine, without any understanding of their meaning and purpose. The termination of one stage of life and the entry into another were solemn matters, which had to be marked by ceremonies that would impress the entrant with the gravity of his new responsibilities. This was the purpose of the institution of the three ceremonies, and of the ranking of marriage as a *saṁskāra*—a perfecting and purifying rite. Life is *incomplete* without matrimony. Marriage is the way to heaven (*dārāḥ svargasya saṁkramaḥ*), because a wife has to be associated in the libations to ancestors and the sacrifices to the gods. Even in the married state, if the wife is temporarily incapacitated by ceremonial impurity, the rites have to be stopped till she is again pure.

Marriage is theoretically optional for the man, but in practice it was probably not; for women it was obligatory. The insistence of the marriage of girls before they attain puberty was not only to ensure marriage at a time when sex purity can be absolutely assured in a girl, but was due to the pressure of competition among eligible brides. This is the reason for the permission to a girl to choose a partner for herself and marry him, if she is kept unmarried for three years after she becomes nubible.[2] The woman who remains a spinster incurs both sin and loss of caste, according to the legend of Dīrghatamas in the *Mahābhārata* (I, 113, 36-37).[3] To be mothers

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1. नाश्नीयाद्भार्यया सार्धं नैनामीक्षेत चाश्नतीम् । (४,४३)
2. त्रीणि वर्षाण्युदीक्षेत कुमार्यृतुमती सती ।
   ऊर्ध्वं तु कालादेतस्माद्विन्देत सदृशं पतिम् ॥ (९,९०)
3. अपतीनां तु नारीणामद्यप्रभृति पातकम् ।
   यद्यस्ति चेद्धन सर्वं वृथाभोगा भवन्तु ताः ॥
   अकीर्तिः परिवादाश्च नित्यं तासां भवन्तु वै ॥ (आदिपर्व, ११३, ३६–३७)

were women created, and to be fathers men. Husband and wife should do Vedic rites together (IX, 96)[1]; and the unmarried have no spiritual capacity (*adhikāra*) to do them, nor wife or husband apart from each other. The religious obligation to marry lies on both sexes. The strict rules restricting begging to stated occasions and purposes are relaxed in favour of a Brāhmana soliciting help for his marriage expenses (XI, 1), but it must be only for his first marriage.[2] If he has a wife already, and gets help for marrying a second wife, it will be only help given to procure him sensual gratification, and donor and donee lose the merit of the gift (XI, 5).[3] This is a discouragement of polygamy, which Manu, like other smṛti writers, views with disapproval, though he could not prohibit it altogether, as it was an old but disappearing custom. Its survival is shown by the rules regarding seniority among wives of equal caste, and of the rule that all the wives are mothers if one of them begets a son (IX, 183).[4] Marriage is eternal, and neither by sale nor by repudiation can a wife be released from the marriage tie (IX, 46),[5] and he who takes such a woman cannot become her husband. The sale of a wife is sinful (XI, 62).[6] If a wife bears no son, the marriage is, from the religious standpoint, a failure, and a husband will be at liberty to take another wife, but the first wife cannot be put away, after the second marriage, or lose the right to act in all sacramental functions with her husband. A barren wife can be superseded only after seven years, she whose children have all died in the tenth, and she who bears only daughters in the eleventh year. A wife of character, who is an invalid, cannot be superseded or disgraced without her own consent (IX, 81-82).[7] Wives of lower castes are

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1. प्रजनार्थं स्त्रियः सृष्टाः संतानार्थं च मानवाः ।
   तस्मात्साधारणो धर्मः श्रुतौ पत्न्या सहोदितः ॥ (९,९६)
2. सांतानिकं यक्ष्यमाणमध्वगं सर्ववेदसम् ।
   गुर्वर्थं पितृमात्रर्थं स्वाध्यायार्थ्युपतापिनः ॥
   नवैतान् स्नातकान् विद्याद्ब्राह्मणान् धर्मभिक्षुकान् । (११,१–२)
3. कृतदारोऽपरान् दारान् भिक्षित्वा योऽधिगच्छति ।
   रतिमात्रं फलं तस्य द्रव्यदातुस्तु संततिः ॥ (११,५)
4. सर्वासामेकपत्नीनामेका चेत्पुत्रिणी भवेत् ।
   सर्वास्तास्तेन पुत्रेण प्राह पुत्रवतीर्मनुः ॥ (९,१८३)
5. न निष्क्रयविसर्गाभ्यां भर्तुर्भार्या विमुच्यते ॥ (९,४६)
6. (इदानीमुपपातकानि) तडागारामदाराणामपत्यस्य च विक्रयः ॥ (११,६१)
7. वन्ध्याष्टमेऽधिवेद्याब्दे दशमे तु मृतप्रजा ।
   एकादशे स्त्रीजननी सद्यस्त्वप्रियवादिनी ॥
   या रोगिणी स्यात्तु हिता संपन्ना चैव शीलतः ।
   सानुज्ञाप्याधिवेत्तव्या नावमान्या च कर्हिचित् ॥ (९,८१–८२)

sacramentally unnecessary, and taking such wives is discouraged by Manu. The custom could not be condemned outright, but disapproval of it is evident in the rules laid down by Manu. Among wives of different castes, the wife of the same caste as the husband is alone competent to officiate in religious rites (IX, 86). If a man gets that wife's duty done by a wife of a lower *varṇa*, he is to be despised as a *caṇḍāla* (IX, 87).[1] Custom apparently allowed a man to marry wives of lower *varṇas*, but he could do so only in the order of the *varṇas* and only after he had taken a *savarṇa* wife (III, 12-13).[2] Manu disapproves of such unions, and cites rules to show that the husband sinks to the level of his lower caste wife by cohabiting with her and having sons by her. He denounces taking a Śūdra wife by a *dvija* (III, 12-17).[3] Notwithstanding the condemnation, the practice persists in Kerala, and we have a historic record of the Brāhmaṇa poet Bāṇa's having a brother by a Śūdra wife of his father, who is still described as a *śrotriya*.

Marriage.

So important a step as marriage must be taken only after vigilant scrutiny of the fitness of the parties. They must be of equal lineage (*kula*), conduct and qualities, and the wife must be younger than the husband. The ancestry, health, and family history must be thoroughly examined. The rules detailed by Manu provide for the mating of only parties who have no physical defects, no trace of heritable disease, and are healthy. Manu recommends the rejection of a bride, even if her family be wealthy, if it is one in which religious rites have been neglected and the Veda is not studied, or in which male children are not born, or in which heritable diseases appear (III, 7).[4] As the object of the union is to carry on the line, Manu recommends the rejection of girl who has no brother (as there is a risk of her being made a *putrikā* or her son being taken

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1. भर्तुः शरीरशुश्रूषां धर्मकार्यं च नैत्यकम् ।
स्वा चैव कुर्यात्सर्वेषां नास्वजातिः कथचन ॥
यस्तु तत्कारयेन्मोहात्सजात्या स्थितयान्यया ।
यथा ब्राह्मणचाण्डालः पूर्वदृष्टस्तथैव सः ॥ (९,८६-८७)
2. सवर्णाग्रे द्विजातीनां प्रशस्ता दारकर्मणि ।
कामतस्तु प्रवृत्तानामिमाः स्युः क्रमशोऽवराः ॥ (३,१२)
3. शूद्रां शयनमारोप्य ब्राह्मणो यात्यधोगतिम् ।
जनयित्वा सुतं तस्यां ब्राह्मण्यादेव हीयते ॥ (३,१७)
4. हीनक्रियं निष्पुरुष निश्छन्दो रोमशार्शसम् ।
क्षय्यामयाव्यपस्मारिश्वित्रिकुष्ठिकुलानि च ॥ परिवर्जयेदित्यनुषङ्गः (३,७)

by her father as son), or whose father is not known. The parties must not be *sapiṇḍas* of the mothers and of the same *gotra* as the fathers (III, 5).[1] The rule of *gotra* and *sāpiṇḍya* is laid down by Manu only for *dvijas* but Śūdras observe the prohibited degree of relationship, according to tribal or family custom.[2] The bride must be a virgin, and ordinarily one who had not attained puberty. Insistence on marriage within the *varṇa* for religious purposes is endogamous; exogamy comes in the *sapiṇḍa* and *sagotra* prohibition. Hypergamy is discouraged, and *pratiloma* relations do not of course constitute marriage. Exclusion by *gotra* (assumed relationship) applies to *dvijas* and is absolute; that by relationship applies to all *varṇas*. Manu rules out cross-cousin marriages, (XI, 171-172) and considers them as likely to lead to loss of caste, but they are allowed as a local custom for the people of the South by Baudhāyana.[3] Under the maxim that an express rule of Manu supersedes those of any other smṛti, the prohibition has been upheld by digests like the *Kalpataru*.[4] The bridegroom should also be free from defects, and caution in marrying a girl to one devoid of character is enjoined by Manu (IX, 89).[5] He must be of attractive appearance, of good character and of good disposition. Manu does not refer to the question of his not being impotent, though the purpose of marriage will be defeated by allowing such a person to marry a girl, but writers like Nārada insist on tests of potency.[6] The rule that a *dvija* should marry only after his studentship is over, makes a boy—bridegroom impossible. The rule that a *dvija* bride should not have attained puberty before marriage rules out girls of over twelve years of age. The ideal ages of bridegroom and bride are stated illustratively by Manu (IX, 94); a man of thirty may marry a girl of twelve, or one of twenty-four a girl of eight. The existence of such disparity in age, at the outset, has been defended on the ground that a woman

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1. असपिण्डा च या मातुरसगोत्रा च या पितुः ।
सा प्रशस्ता द्विजातीनां दारकर्मणि मैथुने ॥ (३,५)

2. Kamalākara (शूद्रकमलाकर, p. 109) holds the *sāpiṇḍya* prohibition as applicable to Śūdras,; but it is ignored in many areas, *e.g.* the Āndhra country.

3. पैतृष्वसेयीं भगिनीं स्वस्रीयां मातुरेव च ।
मातुश्च भ्रातुस्तनयां गत्वा चान्द्रायणं चरेत् ॥
एतास्तिस्रस्तु भार्यार्थे नोपयच्छेत्तु बुद्धिमान् । (११,१७१-१७२)

4. *Gṛhasthakāṇḍa*, ७-३२.

5. न चैवैनां प्रयच्छेत गुणहीनाय कर्हिचित् । (९,८९)

6. *Nāradasmṛti*, XII, 8—18.

is at her best when she is about eighteen and a man when he is about thirty, and that a union at those ages is best eugenically. Misfits in marriage arise when wives have already built up ideals of what their future husbands are to be like and find themselves disappointed. In Indian marriages romance comes after marriage and does not precede it. A girl whose affections are mentally pledged (*manodattā*) is regarded as equal to a married girl, and is recommended for rejection by some smṛtis, like any *punarbhū*. A girl of very tender age can qualify for wifehood for religious purposes, says Lakṣmīdhara[1], though not for progeny, and that is sufficient, as a bridegroom younger than twenty-four is permitted (IX, 94).[2] All that is required is that the wife should be younger.

Some aspects of marriage should be noted. Its primary aims are unworldly and uncarnal. As a bride is required by an accomplished student (*snātaka*) to enable him to set up as a householder and establish the fires, the gift of a bride is the greatest of all gifts. It must be made without expectation of any return. If conditions are imposed, they must be only for the fulfilment of the sacramental purposes of the union. They are stated in *kanyādāna*. The sale of a bride, *i.e.* accepting a bride-price is *āsura*, not *dhārmika*. The ceremony of marriage involves two main steps: the gift of the bride and the subsequent ceremony of *udvāha*. To both are ascribed "unseen fruits" (*adṛṣṭa-phala*). There is no contract between bride and bridegroom in a marriage. This is why it cannot be annulled by any human power. Manu does not recognize divorce. The bond is not snapped that ties the wife and husband, even if he sells or abandons her (IX, 46). It is open to a wife to show aversion to a demented, impotent, or leprous or outcaste husband (IX, 79).[3] Manu, who disallows the remarriage of a widow (V, 162; IX, 65)[4] appears to allow the remarriage *in proper form* of a virgin widow (IX, 176) but she will still be held to be a *punarbhū*.[5] Kauṭilya, who allows divorce, will not permit it after the first four forms of marriage (the

1. *Gṛhasthakāṇḍa*, p. 46.
2. त्र्यष्टवर्षोऽष्टवर्षां वा (९,९४)
3. उन्मत्तं पतितं क्लीबमबीजं पापरोगिणम् ।
न त्यागोऽस्ति द्विषन्त्याश्च । (९,७९)
न द्वितीयश्च साध्वीनां क्वचिद्भर्तोपदिश्यते । (५,१६२)
4. न विवाहविधावुक्तं विधवावेदनं पुनः ॥ (९,६५)
5. सा चेदक्षतयोनिः स्याद्गतप्रत्यागतापि वा ।
पौनर्भवेन भर्त्रा सा पुनः संस्कारमर्हति ॥ (९,१७६)

reputable forms).[1] . As these are the common forms, it is tantamount to a rejection. That marriage is a contract between the parties will presuppose capacity to enter into a contract in both parties, which cannot be upheld at the age of the average ancient Indian bride. What a wife is entitled to springs from *Dharma*, not from stipulation at the time of marriage. The so-called conditions imposed on the bridegroom in the *Prājāpatya* form of marriage are promises and are not contractual.

Eight forms of marriage are named by Manu (III, 21). He rejects the *Rākṣasa* and *Paiśāca* forms for all (III, 25). The quality of the form must be suited to the *guṇa* of the suitor, as indicated by his *varṇa*. The restriction of the first two to the Brāhmaṇa is due to their involving *kanyādāna*, for only a Brāhmaṇa may accept a *dāna*.[2] The belief is that only marriages suitable to a caste result in unseen benefits (III, 36-39).[3] As marriage is a duty, anything that might diminish the chances of a man or a girl discharging it must be discountenanced by Dharma. This is seen in the rules of *parivedana*, i.e., a younger man or girl marrying before the elder brother or sister is married.[4] (III,171-172). All parties, in such an alliance, including the officiating priest are condemned as liable to fall into hell. But the forbidden act is allowed in the case of a

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1. परस्पर द्वेषान्मोक्षः । स्त्रीविप्रकाराद्वा पुरुषश्चेन्मोक्षमिच्छेद्यथागृहीतमस्यै दद्यात् । पुरुषविकाराद्वा स्त्री चेन्मोक्षमिच्छेन्नास्यै यथागृहीतं दद्यात् । अमोक्षो धर्मविवाहानाम् ॥

(कौ. अ. शा., p. 155)

2. A real *dāna* has unseen benefits. The gift of a bride to non-Brāhmaṇas will not amount to a real *dāna* even though the transfer of the bride takes the form of a *kanyādāna*. Kamalākara (*op. cit.* p. 109) writes—उदकपूर्वं कन्यादानस्य शूद्रे विकल्पः । तदुक्तं ब्राह्मे—

युक्तं तु पाणिग्रहणं सर्ववर्णेषु सर्वशः ।
जलपूर्वं तु विप्राणामन्येषामपि काम्यया ॥
मनुरपि—अद्भिरेव द्विजाग्र्याणां कन्यादानं विशिष्यते ।
इतरेषां तु वर्णानामितरेतरकाम्यया ॥ (३,३५)

3. दश पूर्वान् परान् वश्यानात्मानं चैकविंशकम् ।
ब्राह्मीपुत्रः सुकृतकृन्मोचयेदेनसः पितॄन् ॥
दैवोढाजः सुतश्चैव सप्त सप्त परावरान् ।
आर्षोढाजः सुतस्त्रींस्त्रीन् षट् षट् कायोढजः सुतः ॥ (३,३७-३८)

4. दाराग्निहोत्रसंयोगं कुरुते योऽग्रजे स्थिते ।
परिवेत्ता स विज्ञेयः परिवित्तिस्तु पूर्वजः ॥
परिवित्तिः परिवेत्ता च यया च परिविद्यते ।
सर्वे ते नरकं यान्ति दातृयाजकपञ्चमाः ॥ (३,१७१-१७२)

man, if his elder brother definitely refuses to marry, or has disappeared from view for many years; it will also be allowed if the brother is an eunuch, or has become an ascetic.

Gṛhastha's Rules of Conduct and Life.

Rules of *Dharma* are classified as *yama*, what is forbidden, and *niyama*, what is imposed or enjoined. Both must be observed by every one, according to his *āśrama* and *varṇa*, and their detailed enumeration in smṛtis makes an ethical code. Manu makes the paradoxical statement that even in distress one should follow the *yamas*, though he need not observe the *niyamas*[1] (IV, 204). Rules may be stated in the imperative, or (as in the Christian decalogue) negatively, as prohibition. Buehler has rendered the two as 'paramount' and 'minor' duties. Manu's famous rule (which has often been misunderstood) that one must speak the truth and speak agreeably, must not speak what is true and unpleasant, and in any case never speak what is not true, is an instance of a *yama*[2] (IV, 138). Invasion of the right of property by theft (*steya*) is an offence against a *yama*. As only a householder can hold property, the *gṛhastha*, who violates the rule, acts suicidally. *Niyama* is enjoined conduct. To resist natural but wrong or unsocial impulses brings action under *niyama*. The duties of the householder are not exhausted by the two. The Indian systems of philosophy have dissected the psychological bases of action, traced the filiation of motives and evolved a moral code on psychological bases, which digests and late smṛtis reproduce.[3] A wise *gṛhastha* will by study, meditation and association with the virtuous learn them. It is when he gets the feeling that he has lived a good life, in accordance with Dharma, and is no more needed for the family or society that he can proceed to the next *āśrama*.

The Position of Women.

We may close the consideration of the position of the *āśramas* with a review of the position of women in Dharmaśāstra. A society is rightly judged by the place it gives to women.

Manu notes that the two sexes are unequal in strength, stamina and psychology. Each complements the other. The attraction of the sexes to each other is deep-rooted in nature. Suppression or repression

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1. यमान् सेवेत सततं न नित्यं नियमान् बुधः ।
   यमान् पतत्यकुर्वाणो नियमान् केवलान् भजन् ॥ (४,१३८)
2. सत्य ब्रूयात् प्रिय ब्रूयान्न ब्रूयात्सत्यमप्रियम् ।
   प्रियं च नानृत ब्रूयादेष धर्मः सनातनः ॥ (४,१३८)
3. See e.g. Lakṣmīdhara's *Gṛhasthakāṇḍa*.

of natural instincts is not; so, canalizing and sublimating them is the better way. Manu does not look down on *Kāma*, and only provides safeguards against improperly yielding to its urge. Unrestrained sex union might lead to a lowering of the human being; untrained, it may make him its slave. It is on this ground that celibacy is prescribed for the male, during studentship, and both the bride and bridegroom are expected to come together in wedlock without ante-marital sex experience. The passages in *Manusmṛti* which seem to condemn the nature of women (II, 213-215 and IX, 17-20) are in reality warnings against the strength of the sex urge,[1] and the tendency of both men and women to succumb to it, unless taught restraint. In the family, in treatment as children, a girl and her brothers are equal. In the family, husband and wife are equal partners, and are unable to function independently of each other. The famous discussions on soil and seed are intended to enforce the importance of both man and woman. The husband is reborn in the wife as a son, and hence she is called *jāyā*. Fidelity in marriage is mutual (IX, 101).[2] The wife is the goddess of the home. Husband and wife are not two persons but one. If a woman falls it is due to her husband's lack of care and to want.[3] Woman is a social trust. If a girl has no guardian, the king becomes her guardian. A defenceless, or destitute woman becomes the king's charge. Woman's not being permitted to study the Vedas is a concession to her different nature. The high standard of conduct expected of a woman is a compliment, as she is made the custodian of social morality. The home is her field. The path to emancipation is made easier and shorter for her. The prohibition for her to do sacrifices or observe vows, independently of the husband, or without his approval, is to prevent her more important duties to her children, husband and home suffering by an unbalanced desire to duplicate the work of her husband. Manu enjoins the entire relegation of the management of the house to the wife: Vātsyāyana elaborates the idea and makes it the duty of the wife to maintain domestic accounts and frame the family budget. Woman is not to be kept ignorant or uneducated. Only her education is to be on lines different from those of man. Her school must be the home, her teachers her male relations, and her best teacher her husband. The birth of a son is necessary for the

1. मात्रा स्वस्रा दुहित्रा वा न विविक्तासनो भवेत् ।
बलवानिन्द्रियग्रामो विद्वांसमपि कर्षति ॥ (२,२१५)
2. अन्योन्यस्याव्यभिचारो भवेदामरणान्तिकः । (९,१०१)
3. अवृत्तिकर्शिता हि स्त्री प्रदुष्येत्स्थितिमत्यपि ॥ (९,७४)

the salvation of the ancestors of a man, but a woman's liberation (*mukti*) does not depend on the birth of a son.[1] Hence a superseded wife need not re-marry. Even in submitting to *niyoga* a widow's purpose is not to raise a child for herself but to her dead husband, whose salvation is contingent on the birth. The ascetic life of the Hindu widow parallels that of the *vānaprastha*. The more emotional nature of woman necessitates the prohibition of asceticism to her, as she may lose herself in it. She needs to be shielded from its roughness. In the narrow limits of the family, a woman may find ample scope for her vogue for sacrifice as daughter, sister, wife, mother and widow. The home is her school of service and suffering. A wife must bear with even an unworthy spouse, and try to wean him from his evil courses by her meekness and virtue. Remarriage is not a haven for a wife deserted for eight years; the injunction of Manu to her to wait so long for a husband that may return, is not to be taken as a permission for her to remarry at the end of the period; its purpose is to make her enter then on the ascetic life of the faithful widow, as pointed out by Medhātithi (IX, 76). There is more virtue in resisting the sex-urge than in yielding to it. The lower rank of a Gāndharva marriage, and of penalizing a girl for giving herself away to a suitor of her own choice, by denying her jewellery, (IX, 92) are due to this truth.[2] The idea of the perpetual tutelage of the Indian woman is a myth. It is contradicted by the large freedom enjoyed by the wife in the management of the household,[3] (IX, 11), in the wife's concurrence being necessary for all gifts by the husband, including the giving away of a daughter in marriage (*kanyādānam*), by their enjoying rights of separate property and of disposal of it, by the rule that the family estate should not be partitioned between the sons during the life-time of the widowed mother[4] (IX, 104, and Kauṭilya, III, 5),[5] by the recognition of a widowed mother as the natural guardian of her minor children

1. See the elaborate discussion in Medhātithi's *Manubhāṣya*, ed. Jha, II, pp. 263—265.

2. अलङ्कारं नाददीत पित्र्यं कन्या स्वयंवरा ।
मातृकं भ्रातृदत्तं वा स्तेना स्याद्यदि त हरेत् ॥ (९,९२)

3. अर्थस्य संग्रहे चैनां व्यये चैव नियोजयेत् ।
शौचे धर्मेऽन्नपक्त्यां च पारिणाह्यस्य वेक्षणे ॥ (९,११)

4. ऊर्ध्वं पितुश्च मातुश्च समेत्य भ्रातरः समम् ।
भजेरन् पैतृकं रिक्थमनीशास्ते हि जीवतोः ॥ (९,१०४)

5. अनीश्वराः पितृमन्तस्थितमातृकाः पुत्राः । (कौ. अ. शा: p. 160.)

(Nārada, I, 37)[1] and by historical instances of women who have inherited kingdoms and governed them as queens. The famous declaration of Manu that the wife, the son and the slave (*dāsa*) are *adhanāḥ* (wealth-less, VIII, 416),[2] and his statement that a woman should not be left to herself (*na strī svātantaryam arhati*, IX, 3)[3] because she has the protection of the father as a girl, of her husband as a wife and of her son as a mother, have been relied upon to support the doctrine. Correctly interpreted neither supports the view. The first is merely a limitation of a woman's freedom to dispose of family property, without the sanction of her husband. The second is only an enunciation of the duty cast on the father, the husband and the son to protect (and maintain) her. A woman never loses her lien on some male for support—and in the last resort on the State.

Dharmasāstra raised a chaste wife to the rank of a goddess; it has raised the mother to the rank of divinity (*mātṛ-deva*), along with the teacher and the father, and placed them immeasurably below her in the right to love and veneration (II, 145).[4] She is the best of teachers, and a super-teacher (*ati-guru*) according to *Viṣṇusmṛti* (XXXI, 1-2).[5] So long as one has a mother he never feels old (*Mahābhārata* XIII, 268, 30).[6] Indian history knows of some royal parricides but of no matricide. Abandoning a mother, even if she be an outcaste, is both a sin (III, 157, XI, 60) and a crime (VIII, 389).[7] The first earnings of the student must be tendered to his mother (Āpastamba, I, 7, 15).[8]

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1. जीवतोरस्वतन्त्रः स्याज्जरयापि समन्वितः ।
   तयोरपि पिता श्रेयान् बीजप्राधान्यदर्शनात् ॥
   अभावे बीजिनो माता तदभावे तु पूर्वजः । (नारदस्मृति, ed. Jolly, p. 58.)
2. भार्या पुत्रश्च दासश्च त्रय एवाधनाः स्मृताः । (८,४१६)
3. पिता रक्षति कौमारे भर्ता रक्षति यौवने ।
   रक्षन्ति स्थविरे पुत्रा न स्त्री स्वातन्त्र्यमर्हति ॥ (९,३)
4. उपाध्यायान् दशाचार्य आचार्याणां शतं पिता ।
   सहस्रं तु पितॄन् माता गौरवेणातिरिच्यते ॥ (२,१४५)
5. त्रयः पुरुषस्यातिगुरवो भवन्ति । पिता माता आचार्यश्च ॥ (विष्णुस्मृति, ३१,१-२)
6. अनुशासनपर्व, २६८,३०.
7. न माता न पिता न स्त्री न पुत्रस्त्यागमर्हति ।
   त्यजन्नपतितानेतान् राज्ञा दण्ड्यः शतानि षट् ॥ (८,३८९)

   Kauṭilya forbids the abandonment of the mother even if she is an outcaste.

   तस्यां शुश्रूषा नित्या पतितायामपि । (आप ध. सू., १,२८,९)
8. समावृत्तो मात्रे दद्यात् । (आप. ध. सू., १,७,१५)

In *Manusmṛti* woman attains her apotheosis, as wife, mother and dependent relation, serving and radiating her love. The gods rejoice when women are honoured, and rites in their honour yield no rewards in homes in which women are not cherished and revered. The tears of dependent women blight a family; their grateful smiles make it blossom into fortune; their curse, when treated with contumely, wither the home. Honour and cherish your women, therefore, for your own good, on holidays and in festivals, with gifts of dainty fare, raiment and jewels! Joy dwells in the home in which there is conjugal love. Let a woman cherish her beauty that she may retain her husband's love and become fruitful. With her radiance the house will be alit, and without it, be dark and dismal. It is in such terms that Manu, supposed to be the derider of woman, makes almost a religion of her adoration.[1] (III, 56-62).

Indian society was kept from disintegration by the sublime conception of the scheme of *varṇa* and *āśrama*, which gave its women and men a clear vision of the spiritual winning post, and showed them how to order their lives and mould their actions in order that they may, in the fulness of time, or even in this life itself, triumphantly reach it.

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1. यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः ।
यत्रैतास्तु न पूज्यन्ते सर्वास्तत्राफलाः क्रियाः ॥
शोचन्ति जामयो यत्र विनश्यत्याशु तत्कुलम् ।
न शोचन्ति तु यत्रैता वर्धते ताद्धि सर्वदा ॥
जामयो यानि गेहानि शपन्त्यप्रतिपूजिताः ।
तानि कृत्याहतानीव विनश्यन्ति समन्ततः ॥
तस्मादेताः सदा पूज्या भूषणाच्छादनाशनैः ।
भूतिकामैर्नरैर्नित्यं संस्कारेषूत्सवेषु च ॥
संतुष्टो भार्यया भर्ता भर्त्रा भार्या तथैव च ।
यस्मिन्नेव कुले नित्य कल्याणं तत्र वै ध्रुवम् ।
यदि हि स्त्री न रोचेत पुमांसं न प्रमोदयेत् ।
अप्रमोदात्पुनः पुंसः प्रजनं न प्रवर्तते ॥
स्त्रियां तु रोचमानायां सर्वं तद्रोचते कुलम् ।
तस्यां त्वरोचमानायां सर्वमेव न रोचते ॥ (३,५६-६२)

LECTURE VI

THE POLITICAL SYSTEM

We are today under the obsession of politics. The study of the political institutions of the past still attracts the care and attention of modern students that their socio-religious background fails to receive. This attitude is due, as much to the pre-occupations of the modern world with political controversies, as to an imperfect perception of the inter-connection between the two. When the aims of the catastrophic war into which the world was flung and from which we have yet hardly emerged had to be defined it was said to be fought to make the world safe for democracy. The signification of a somewhat vague political ideal as that for which the nations were dragged into a seething cauldron of destruction was received with unction. Had it been said that the war was being fought for the higher purposes of humanity, for the vindication of mere morality or spirituality inherent in man, the declaration would not have commanded a fraction of the appreciation that the signification of a "democratic" purpose behind it evoked. The illusion of *idola fori* is difficult to overcome. A century of adoration at the shrine of what passed as democracy, still draws worshippers to where it is held to dwell. Like orthodoxy, democracy is what appeals to each man in the form of government that seems best to suit his needs and interests. Habit makes one impervious to facts. Nations which seek to perpetuate their domination over other nations, and which are governed by compact sections, still claim to be democratic. One is reminded of Sir Lancelot's conflicting ideals and practice.[1]

Ancient India had no use for political labels. It is curious that in a land in which the tendency for classification and systematization seems inborn, political ideals and institutions remained unclassified. It looked to results, not to forms. It would matter little if the government was carried on by one, a few or the many, if the results were happy. That which is best administered is best. The test was Dharma applied to means, ends and results. The range of applicability was universal. It is the demonstration of the domination of a moral principle in the universe that vindicates the position of

1. His honour rooted and dishonour stood,
   And faith unfaithful kept him falsely true.
   (Tennyson).

the Supreme. He merges in Dharma. Judged by ultimate values that alone can be expedient which is just. Dharmaśāstra takes a cosmic view of existence and of every branch of activity, and judges them by this standard.

Rājadharma is commonly equated with Political Science. Its content is assumed to be the art of government. It is forgotten that, literally and historically it means not the art of government, but the indications of the duties of a particular functionary, *viz*., the crowned king. Vijñāneśvara makes this clear in introducing the brief section on *rājadharma* in *Yājñavalkyasmṛti* (pp, 309-368). He explains that Yājñavalkya proceeds to indicate the special duties of a householder, who had acquired a special *guṇa* by being crowned as a king, after the specification of the duties of householders of all *varṇas* generally.[1] The duties of administration devolve on one who is put at the head of a state. In Indian conception, he who has to discharge the duties must obviously belong to the second *āśrama*, as the other three are outside worldly life. While the ideal is that the head of the state should be a Kṣatriya, the position might go to men of other *varṇas* ; but even so the duties of the office (*guṇa-dharma*) will still devolve on him. That there may be no misunderstanding, Yājñavalkya (I, 311) uses the neutral designation *narādhipa* (king) instead of *rājā*, which, like *ksatriya*, is frequently used in smṛtis in the sense of 'king'.[2]

A code of instruction for a ruler on his duties may be of both a narrow and a comprehensive character. The specific duties, as an administrator when enumerated and explained, constitute the *smaller* code. One of the king's duties, and the most important, is to see that every one does his or her duty, whatever it might be. Protection is complete only when every one is made to keep within his limits, and perform his duties. Whoever neglects a duty or does what he is enjoined not to do has to be pulled up by the king, both in the interests of the community, whose placid life has been disturbed by his guilty action, and in the lasting interests of the offender himself. A knowledge of what every one is expected to do, in whatever position he or she may find himself or herself, is an antecedent condition of correct regulation of every one's conduct. The king has a personal responsibility for the *dharma* and the *a-dharma* of every

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1. साधारणान् गृहस्थधर्मानुक्त्वेदानीं राज्याभिषेकादिगुणयुक्तस्य गृहस्थस्य विशेषधर्ममाह 'महोत्साहः स्थूललक्ष' इत्यादिना । (मिताक्षरा, १,३०९)

2. *Mitākṣarā* equates (I, 308) नरेन्द्र with 'crowned Kṣatriya (अभिषिक्तक्षत्रिय), and 'नराधिपो' (I, 311) with राज्याभिषिक्तः

subject, and it is signified by the statement that he obtains a sixth part of the spiritual merit of his good subjects, and a sixth part of the demerit (*apuṇya*) of unpunished delinquent subjects.[1] It is not to be taken as a picturesque statement but was meant and taken *literally* in the ages in which an unseen result was held to attach itself to every action, good or bad. It is his duty to determine what is enjoined and what is not, and to enforce compliance to the rules of Dharma.[2] The regulative and punitive duties of the king include not only civil penalties but appropriate penances and modes of purification from the taint of the offence. In short, the range of his responsibilities imposes on a ruler a liability to a sort of omniscience. This extends not only to the whole field of enjoined duties (*Dharma*) but also to the psychological and philosophic background of the mind of the subjects. This is why, among the subjects that are indicated for study by princes, who will later in life be called on to rule, Kauṭilya includes philosophy (*ānvīkṣikī*) in the prince's curriculum of studies, and further explaining the content of the philosophical course brings under it *Lokāyata*, school of Materialism[3], whose followers the king is enjoined by Manu to keep under check or banish (IX, 225).[4] The comprehensive character of *Manusmṛti*, which goes into every one's duties, makes it a work of *rājadharma* in the wider sense of the term. But, as a king may not be in a position to understand every provision of the comprehensive code of conduct, he is required to get expert advice,—from his ministers in matters of administration, from judges in matters of adjudication, and from the *purohita* in matters relating to penances and vows. This is the reason why the study of *Manusmṛti* is prescribed for the Brāhmaṇas particularly, and to all twice-born persons generally (XII, 126). On questions of interpretation of doubtful points, he is to be guided by the opinion of a *pariṣad* of learned men, whose constitution is detailed in XII, 108-115.

Bases of Manu's Polity.

The scheme of polity that *Manusmṛti* outlines is accordingly rooted in the general scheme of Hindu life, and in the postulates of Hindu social and economic organization. The former is com-

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1. सर्वतो धर्मषड्भागो राज्ञो भवति रक्षतः । अधर्मादपि षड्भागो भवत्यस्य ह्यरक्षतः ॥ (८,३०४)
2. तस्माद्धर्मं यमिष्टेषु संव्यवस्येन्नराधिपः । अनिष्टं चाप्यनिष्टेषु तं धर्मं न विचालयेत् ॥ (७,१३)
3. सांख्यं योगो लोकायतं चेत्यान्वीक्षिकी । (p. 6.)
   वृत्तोपनयनस्त्रयीमान्वीक्षिकीं च शिष्टेभ्यः । (p, 10.)
4. पाषण्डस्थांश्च मानवान् । ....क्षिप्रं निर्वासयेत्पुरात् । (९,२२५)

prehended under *varṇāśrama-dharma* in the wider sense of including the *dharma* of *varṇa* and *āśrama,* of both in their inter-relations, of the *dharma* of 'position' or *guṇa,* of the *dharma* of 'special occasion' (*naimittika*) and of the *dharma* 'common to all' (*sādhāraṇa* or *nitya*). The last presupposes the universal acceptance of certain institutions. These are property, the idea of contract and obligation, the existence of the capitalistic system in a planned society and of personal freedom generally. While these ideas may be regarded as springing from the established political order,—which is signified by the legend of no such regulations being needed in the Golden Age of the dim past,—they are pre-supposed by the system of government indicated and described by Manu. As the assumption of the smṛti is that all that is contained in it was revealed, like Koranic laws, it has a background of divine sanction for the institutions. He who advocates anarchy, as well as he who urges the abolition of private property, capital and the repudiation of contracts, will be acting not only in defiance of state laws, but of divine injunctions behind these institutions. In the face of these hypotheses, political and economic progress can be visualized only so far as they are possible within the limits of these institutions. A way-out is suggested, however, by certain commentators. The indication of a visible purpose or benefit is contrary to the nature of a Vedic *vidhi.* The rules regarding economic and political organization and institutions in *Manusmṛti* and works like it are rules of *Artha,* not *Dharma.* The sections on these topics are to be treated as *Arthaśāstra* sections, which can be modulated by rational action. It is true *Arthaśāstra* itself is within the canon, though by an explicit rule its rules must give way if they conflict with those of *Dharmaśāstra.*[1] Absolute validity attaches only to those cases in which there is the sanction of both reason and injunction behind them.

Different Scales of Values.

The adjustment of *dharma* to changing needs was to be brought about only by research and interpretation. Rules traced back to divine omniscience cannot be supposed to be defective or self-contradictory. If any defects or contradictions are found, they must be deemed superficial and capable of resolution and valid explanation.

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1. अर्थशास्त्रात्तु बलवद्धर्मशास्त्रमिति स्थितिः ॥ (याज्ञवल्क्य, २,२१)
संस्थया धर्मशास्त्रेण शास्त्रं वा व्यावहारिकम् ।
यस्मिन्नर्थे विरुध्येत धर्मेणार्थं विनिश्चयेत् ॥ (अर्थशास्त्र, p. 150.)

The *pariṣad*, custom (*caritra*), the practice of the elect (*śiṣṭācāra, ācāraśca sādhūnām*) can be called in for the determination of the problem of reconciliation, internal and external, of consistency and of suitability to all times and needs. From our outlook today the parts of *Dharmaśāstra* of most interest are those devoted to polity, law and administration. To an ancient Hindu king the sections that would most appeal would be those dealing with *ācāra* and *prāyaścitta*, which the king had also to administer. We cannot attribute to him *our* mood, but must look at it from *his* standpoint. In the atmosphere of the palace and the court a knowledge of *rājanīti* will be gained by him automatically. It need not be specially taught or learned. It will be in the atmosphere. Nor will he require instruction on court etiquette. It is in regard to civil law and penance laws that he will feel the need for learning, training and guidance. This attitude will explain the character of the works on Dharma that princes might study. They are relatively full on forensic law, on penance, on *ācāra* of *varṇa* and *āśrama*, and even on transcendental matters, while their treatment of polity proper is scrappy and superficial. The difference will be clearly noticed if the *Kauṭilīya* and *Manusmṛti* are compared, or better still if the *Nītisāra* of Kāmandaka is compared with Manu's work, because Kāmandaka deliberately adopts the smṛti form and mode of exposition. On polity, administration and law proper Kauṭilya is very full; Kāmandaka omits not only all penance and *ācāra* law, but even *vyavahāra*. Manu stands midway, stressing all, and dealing with them pretty fully, but with a little less fulness polity proper.[1] The feature is reflected in later smṛtis and in *nibandhas* composed to order like Hemādri's great digest. Lakṣmīdhara follows Manu's proportions, and even in his *nibandha* the *Rājadharma* section is less full than some of the other sections while *Vyavahārakāṇḍa* is the fullest.

Theories of the Origin of the State.

Among legends of the origin of the State or Government, given in the great Epic are two, which ascribe a divine origin to the State, and base it on an original contract. Both legends are implicit in *Manusmṛti*, which however does not describe them. The Supreme Being (*Prabhu*), finding that for want of a government (*arājaka*) every one in the world was disturbed by fear, created the King for the

1. In *Yājñavalkya-smṛti* only 60 ślokas are devoted to polity proper, while *ācāra*, *vyavahāra* and *prāyaścitta* have 308, 307 and 334 *ślokas* respectively.

protection of all in the world. (VII, 3).[1] The legend is given by Kauṭilya (p. 22).[2] The people finding that for want of a common ruler they were being ruined by mutual quarrels (in which they devoured one another as fish devour fish) made Manu Vaivasvata their king, and agreed to render to him (and his successors in the office) a sixth of their harvested grain, a tenth of their trade gains, etc. It is in accordance with this arrangement that kings have become responsible for the welfare of their subjects. In both legends a pre-political stage is envisaged, which is one of anarchy in which every one devours every other. The idea implies the existence of 'rights' which were invaded, and of freedom to make a contract. The installation of Manu Vaivasvata was a secular arrangement. The legend in *Manusmṛti* relates to the creation of political organization, i.e. kingship. The legend in *Kauṭilīya* refers to the installation of the first king, by common agreement, later rulers apparently accepting the arrangement from veneration for precedent, or because Manu is the progenitor of the human race. Śukra has a third theory, which fits in with the general Hindu belief in *karma*. The king becomes master over movable and immovable chattels, becomes capable of giving protection and receiving his sixth (*dakṣaḥ ṣaḍbhāga-grahaṇe*, I, 72), by virtue of the austerities performed by him in a previous birth even as Indra became king of the gods by austerities.[3] This is mere explanation of worldly position by past *karma*, as one's caste in this life is similarly explained. Manu follows up his account of the creation of the king, by stating that he was created from eternal particles of the eight *lokapālas* (VII, 4).[4] The divinity inherent in a king springs from this synthesis. The king is not an incarnation of God, but of elements of the chief gods. They

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1. अराजके हि लोकेऽस्मिन् सर्वतो विद्रुते भयात् ।
रक्षार्थमस्य सर्वस्य राजानमसृजत्प्रभुः ॥ (७,३)

2. मात्स्यन्यायाभिभूताः प्रजा मनु वैवस्वतं राजान चक्रिरे । धान्यषड्भाग, पण्यदशभागं, हिरण्य चास्य भागधेय कल्पयामासुः । तेन भृता राजानः प्रजानां योगक्षेमवहाः तेषां किल्बिष-मदण्डकरा हरन्ति । यो(रक्षयो ?)गक्षेमवहाश्च प्रजानाम् । तस्मादुञ्छषड्भागमारण्यका अपि निवपन्ति ॥ (अर्थशास्त्र, pp. 22-23)

3. तपसा चैव आदत्ते शास्ता पाता च रक्षकः ।
नृपः स्वप्राक्तनाद्दत्ते तपसा च महीमिमाम् ॥
जङ्गमस्थावराणां च हीशः स्वतपसा भवेत् ॥
दक्षः षड्भागग्रहणे यथेन्द्रो नृपतिस्तथा (शुक्रनीति, १,२०,७३)

4. इन्द्रानिलयमार्काणामग्नेश्च वरुणस्य च ।
चन्द्रवित्तेशयोश्चैव मात्रा निर्हृत्य शाश्वतीः ॥ (७,४)

account for his power and splendour and for his surpassing all beings in lustre. "Even an infant king should not be treated with slight, from the idea that he is only a mortal being; he is really a great divinity in human form." (*VII, 8*).[1] *This is glorification not of a* king but of kingship. For, through lack of virtues many kings like Vena perished (VII, 41).[2] The rule of this Vena was evil. It resulted in *varṇasaṁkara*. It was in his reign that the practice of *niyoga*, which Manu condemns as an animal practice, was much in vogue (IX, 66-67)[3], as the intellect of the king itself was destroyed by lust. Manu does not follow up the legend of destruction of Vena for his oppression, and the creation and installation of his son Pṛthu, after whom the earth is named Pṛthvī, as 'king of men'.[4] Pṛthu took an oath (*pratijñā*) to subordinate his inclinations to morality, and to observe the eternal Dharma.[5] The action of Pṛthu forms a *second* Social Contract.

Implications of the Theories.

The underlying implication of the different legends is that political union, under a common ruler is natural and necessary, and may be considered as having divine sanction behind it. It is the only answer to human depravity, which leads man to eat man, unless restrained by a common master. While the divinity in the ruler so created makes for his lustre and power, he is bound to respect the original convention of righteous rule. Manu gives only the divine creation legend. The extremes of irresponsibility to which it may

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1. बालोऽपि नावमन्तव्यो मनुष्य इति भूमिपः ।
   महती देवता ह्येषा नररूपेण तिष्ठति ॥ (७,८)
2. वेनो विनष्टोऽविनयान्नहुषश्चैव पार्थिवः ।
   सुदाः पैजवनश्चैव सुमुखो निमिरेव च ॥ (७,४१)
3. अयं द्विजैर्हि विद्वाद्भिः पशुधर्मो विगर्हितः ।
   मनुष्याणामपि प्रोक्तो वेने राज्य प्रशासति ॥
   स महीमखिला भुञ्जन् राजर्षिप्रवरः पुरा ।
   वर्णानां सकरं चक्रे कामोपहृतचेतनः ॥ (९,६६-६७)
4. शान्तिपर्व, ५८,१०२-१२२—for the legend.
5. प्रतिज्ञां चाधिरोहस्व मनसा कर्मणा गिरा ।
   पालयिष्याम्यहं भौम ब्रह्म इत्येव चासकृत् ॥
   यश्चात्र धर्म इत्युक्तो दण्डनीतिव्यपाश्रयः ।
   तमशङ्कः करिष्यामि स्ववशो न कदाचन ॥
   अदण्ड्या मे द्विजाश्चेति प्रतिजानीष्व चापि भो ।
   लोकं च संकरात्कृत्स्न त्रातास्मीति परंतप ॥
   एवमस्त्विति वैन्यस्तु तैरुक्तो ब्रह्मवादिभिः । (शान्तिपर्व ५८,११५-११९)

lead an infatuated monarch is countered by allusion to the evil king Vena, whose story must have been familiar to all. But over and above it, another legend that Manu gives makes the king himself subordinate to a higher power, viz. Daṇḍa or the incarnation of the Spirit of Punishment. It is Daṇḍa who is king; he is the regulator of the entire universe,[1] (VII, 17-1›). A guiltless man is hard to find in the world; through fear of Daṇḍa the world observes Dharma.[2] The elaboration of this legend or theory of the penal power behind the State (or king) is of constitutional interest. It provides not only the Austinian sanction behind law, but also a restriction on the unlimited exercise of the prerogative powers of the king! Punishment is said to strike down the king who swerves from Dharma,[3] (VII,28) for Daṇḍa is Dharma.[4] The meaning of the identification is that the king is under the law, not above it. Dharma alone rules. The power to make new laws or to alter old ones is not vested in the king or any human power. A king, like a judge, merely declares Dharma; he does not make it. A strong executive is needed for social order; an irresponsible executive is a danger. The support of the one and the condemnation of the other are in Indian theory made to rest on Divine sanction.

It is noteworthy that *Manusmṛti* makes no mention of alternative theories of the origin of monarchy ; from the pressure of war, as stated by the *Aitareya Brāhmaṇa*,[5] or from an election sanctified by divine blessing as implied by the *Śatapatha Brāhmaṇa*, or from deification of a priest during a sacrifice and its perpetuation, as in the case of the *rex sacrorum* in ancient Rome.[6] As a practical-minded thinker Manu is satisfied with supporting the necesssity for a common executive authority and with basing it on morality and the common good.

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1. स राजा पुरुषो दण्डः स नेता शासिता च सः ।
चतुर्णामाश्रमाणां च धर्मस्य प्रविभुः स्मृतः ॥
दण्डः शास्ति प्रजाः सर्वा दण्ड एवाभिरक्षति ।
दण्डः सुप्तेषु जागर्ति ॥ (७,१७-१८)

2. सर्वो दण्डजितो लोको दुर्लभो हि शुचिर्नरः ।
दण्डस्य हि भयात्सर्वं जगद्भोगाय कल्पते ॥ (७,२२)

3. धर्माद्विचलितं हन्ति नृपमेव सबान्धवम् ॥ (७,२८)

4. दण्ड धर्मं विदुर्बुधाः (७,१८)

5. ऐतरेयब्रा,११,४—देवासुरा वा लोकेषु समयतन्त... ...तांस्ततोऽसुरा अजयन्.....
देवा अब्रुवन्नराजतया वै नो जयन्ति, राजानं करवामहा इति तथेति ॥

6. K. P. Jayaswal—*Hindu Polity* (1924), Ch. 23 and 24.

Glorification of the King.

The value of unitary control is the obvious reason for the laudation of the person and position of the king. It was clearly not meant to be taken literally by king or subject. The king is Viṣṇu[1] (Caṇḍeśvara quotes a retort, almost in Gandhian language, the "subject is Viṣṇu too").[2] He is made up of the essences of the divine guardians of the universe (*lokapālas*).[3] Assaulting a king, reviling him or treason against him are capital crimes. Banishment follows the betrayal of state secrets. To seduce the queen is treason.[4] The protection given to the ministers and others are the natural needs to protect high functionaries. The property of a king is proof against adverse possession, however long it may be (VIII, 149). (It means state property cannot be taken over and held against the State on the plea of prescription). Ownerless things go to him. Every one, every article, is pledged to support him by definite contributions. His jurisdiction is unrestricted. Brāhmaṇa immunities do not mean that they cannot be tried in the king's courts. The Vedic statements "Soma is the king of the Brāhmaṇas"[5] and that the king is lord of all exeept the Brāhmaṇa[6], are merely glorificatory statements; for, the Brāhmaṇa's offences and offences against him have to be adjudicated by the king or by his judges.[7] The privileged position of the chief executive is seen in the rule that a king does not contract pollution by birth or death[8] (V, 63); he is like the *brāhmacārin* and the sacrificer (*dīkṣita*). The king's impurity is extended to all, and Vedic study is interrupted so long as it lasts

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1. नाऽविष्णुः पृथिवीपतिः

2. 'अथारभ्य न मे राज्यं राजानं रक्षतु प्रजाः ।'
इति सर्वं प्रजा विष्णुं साक्षिणं श्रावयेन्मुहुः ॥ (राजनीतिरत्नाकर, 1936, p. 74).

3. मनु, ७,४–७

4. कौटिलीय, p. 234—सर्वत्र राजभार्यागमने कुम्भीपातः । *Ibid.*, p. 227. अन्तःपुरप्रधर्षकं....घातयेत् । *Viṣṇusmṛti* construes the seduction of the queen as incest: XXXVI, 4.

5. सोमोस्माकं ब्राह्मणानां राजा (शतपथब्राह्मण, ५,४,२,३)
तस्माद् ब्राह्मणोऽनाद्यः सोमराजा हि भवति । (*Ibid.*, ९,४,३,१६)

6. राजा सर्वस्येष्टे ब्राह्मणवर्जम् । (गौतमधर्म, ११,१.)

7. न च 'राजा सर्वस्येष्टे ब्राह्मणवर्जम्' इति गौतमवचनान्न ब्राह्मणो दण्ड्य इति मन्तव्यम् । तस्य प्रशंसार्थत्वात् ॥ (मिताक्षरा, २,४)

8. न राज्ञामघदोषोऽस्ति व्रतिनां न च सत्रिणाम् ॥ (५,९३)

(IV, 10)[1] and his death interrupts Vedic study.[2] A moratorium follows automatically on the occurrence of a vacancy to the throne (Vasiṣṭha). Rights cannot be acquired by possession during an interregnum, according to Kauṭilya (III, 16).[3] Śukra puts picturesquely the idea that a throne can never be vacant; as Indrāṇi is never a widow, so a kingdom can never be without a ruler.[4] When a country is conquered, and its king is slain, the conqueror is enjoined to instal at once a member of the late reigning family as king (VII-202) so that there may be no vacancy to the throne (II, 49).[5] A king is even more necessary in the demoralized conditions of defeat than in normal conditions. The advice to appoint a *yuvarāja,* which is acted upon in the *Rāmāyaṇa* and the *Mahābhārata,* is not dealt with by Manu, nor is there anything in his work about the rule of succession. Obviously a kingdom cannot be divided like personal property; but Manu would allow the eldest son to take the entire inheritance, (IX, 105) and such a son would *a fortiori* be the heir-apparent in a kingdom.[6] Manu regards the eldest son alone as the son who frees the ancestors from hell, and the other sons as only sons of lust (*kāmajāḥ*).[7] The statement has been interpreted as indicating a desire for family limitation, but this is doubtful, as the trend of smṛti thought is to welcome additions to a family. Manu's rule that in private property there should be no discrimination between son and son cannot furnish an indication.[8] Bringing under indivisible

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1. त्र्यहं न कीर्तयेद्ब्रह्म राज्ञो राहोश्च सूतके ॥ (४,११०)
2. विषयस्थे च राज्ञि प्रेते (गौतमधर्म, १६,३२)
   आचार्यपत्नीपुत्रोपाध्यायमातुलश्वशुरश्वशुर्यसहाध्यायिशिष्येष्वतीतेष्वेकरात्रेण ।
   स्वदेशराजनि च ॥ (विष्णुस्मृति, २२,४४-४५)
3. ज्ञातयः श्रोत्रियाः पाषण्डा वा राज्ञामसन्निधौ परवास्तुषु विवसन्तः न भोगेन हरेयुः ॥
   (कौटिलीय, p. 191)
4. न त्वेव नृपहीनाः स्युः दुर्गुणा ह्यपि तु प्रजाः ।
   यथा न विधवेन्द्राणी सर्वदा तु तथा प्रजाः ॥ (शुक्रनीति, १,९५)
5. स्थापयेत्तत्र तद्वंश्यं कुर्याच्च समयक्रियाम् । (७,२०२)
6. ज्येष्ठ एव तु गृह्णीयात्पित्र्यं धनमशेषतः ।
   शेषास्तमुपजीवेयुर्यथैव पितरं तथा ॥ (९,१०५)
7. ज्येष्ठेन जातमात्रेण पुत्री भवति मानवः ।
   पितृणामनृणश्चैव स तस्मात्सर्वमर्हति ॥
   यस्मिन्नृणं संनयति येन चानन्त्यमश्नुते ।
   स एव धर्मजः पुत्रः कामजानितरान् विदुः ॥ (९,१०६-१०७)
8. न पुत्रभागं विषमं पिता दद्यात्कथंचन । (९,२१६)

effects things that would lose value by division (IX, 219) might be applied by analogy to the indivisibility of a royal inheritance.

Personal Responsibility of the King.

Responsibility goes with power. The language of hyperbole, which is used for exalting the office and person of the king, must not be construed literally. Even in such descriptions as Manu's the repetition of *vrata* (self-imposed vow) in regard to the functions in the discharge of which the king is likened to god after god (*Manu* IX, 303-311), emphasizes his dedication for his duties. He should shower benefits on the kingdom. He should draw his taxes from his subjects slowly as the sun draws water by evaporation; there should be no abrupt collections, like the modern 'capital levy.' He should be kept fully abreast of all that happens, through his secret service. He must be stern and impartial in his judgments. He should punish only the wicked. He must cultivate popularity. Like Mother Earth he must bear the weight of the support of the entire people. Nārada's glorification of the king is still more exaggerated.[1] But, they are construed in their proper spirit as only indicating the finality of judicial pronouncements made by the king or in his name by a judge, and of arrangements, such as division of property, that he decrees. The injunction that a king, even if devoid of good qualities, should be honoured even as a bad husband has to be dutifully obeyed by a wife, is only a call for respect to the office of head of the State, and not a counsel of abject submission to the personal whims of a ruler. Literal versions of the praise have led to the impression that Nārada is the advocate of royal absolutism. The context in which these statements occur is restricted to litigation. Similarly, it is not a royal power of making laws that Nārada proclaims but the embodying of recognized customary usages in royal proclamations, so that they may obtain due publicity and there may be fixity in affairs (*sthithyartham*). Every act of an executive authority, if challenged, can only lead to confusion. There should be some finality in disposals. This is all that is meant in this misconstrued passage. In the *milieu* in which an ancient Indian king functioned, his real powers can be deduced only from a review of the entire set-up of the kingdom.

Regal responsibility is enforced by every judicial decision that was pronounced being in the king's name and having to be implemented by his authority, while he had no power to set aside a decision by fiat. By good government, and by diligent upholding of Dharma, a king of

1. See the whole of chapter XVIII.

the Kaliyuga may make it like the Golden Age. By unrighteous action he can lower the Golden Age to the level of the Age of Iron. A careless, idle or vicious ruler will not only incur popular odium but bring many misfortunes on himself and on his subjects. It is in this sense that he is called 'the maker of his age.[1] It does not mean that he can alter the conditions of life or usage or *Dharma*. Manu hints it in alluding to the degradation of morals in the time of the unrighteous Vena. Unhappiness in a kingdom is traced to error in government, for which the king is responsible. For *every* mistake in the kingdom, it is the king who is threatened with penalties, 'seen' and 'unseen.' The *advisory* position of his ministers made the king the *sole* repository of responsibility. In Indian belief not only is it incorrect to say (as we do in modern states, in which the king is a mere figurehead,) that 'the king can do no wrong,' but, it is held that he *can* do great wrong, and be held responsible for all his acts of commission and omission.

The idea of regal responsibility is emphasized in different ways. He is asked to set an example to his subjects. A ruler, who is constitutionally uncontrolled, can make his personal failings national calamities. This is the reason for the initial warning, in detailing the duties of the Kṣatriya *varṇa*, that he should conquer his inclinations to yield to the urge of his senses. The personal failings of the ruler are appropriately described as the sorrows (*vyasana*) of his subjects. In a constitutional monarchy, where the king is a gilded non-entity, the weakness of a king does not matter to the kingdom. It is not so in personal rule. The elaboration by Manu[2] of the *ten* royal vices that spring from pleasure (*Kāma*) and the eight that spring from wrath (*krodha*) show the importance of keeping the king well out of mischief. Death is preferable to vice. This is the reason for the meticulous regulation of the king's time, so that he is hardly ever left to himself or left unoccupied, for the prescription of a fairly comprehensive and purposive curriculum of studies to the future king, and perhaps also for the omission to guarantee the succession to the eldest or any son. That kings were at liberty to select, on public grounds, the son who should succeed them, apart from mere seniority in birth, is evidenced in the dynastic history of India. The princes had to learn from 'experts' the Veda,[3]

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1. 'राजा कालस्य कारणम्'; 'युगप्रवर्तको राजा'
2. VII. 45-53.
3. त्रैविद्येभ्यस्त्रयीं विद्यां दण्डनीतिं च शाश्वतीम् ।
आन्वीक्षिकीं चात्मविद्यां वार्तारम्भांश्च लोकतः ॥ (७,४३'

the art of government, philosophy and the knowledge of the Supreme Soul (*adhyātmavidyā*), and from practical men the trades and professions: *vārtārambhāmśca lokataḥ* (VII, 43). The prescribed curriculum is identical with that advised by Kauṭilya, and is therefore standardized, or atleast customary. More important than the subjects learned is the association as learner with teachers of proved spirituality and character. The future king should represent the flower of the training that could be given to one of his age.

How Royal Abolutism Was Checked.

The king was the repository of both responsibility and power. The former was more moral than constitutional; that is to say there was no power or body, which was empowered by law to control the action of the king. The fundamental law, *i.e.*, Dharma, provided no rival to the king, no co-adjutor, no person or body of persons whom he *must* consult and obtain the co-operation of. Society was more a system of mutual checks and balances. The provision of enlightenment and a conscience to a king, who has no external constitutional check, is the obvious way of making him act properly. Telling him that he will incur sin, or will lose his chance of salvation will be effective only if by his training, temperament and environment a deep-rooted belief in them has been generated in him. The detailed recital of his duties—to himself *and to others*— is another step in the direction. He should be constantly reminded that his *interests* coincide with the good of the subjects, and that he will be judged by his posthumous reputation. He should be reminded of the manner in which good kings had won love and respect in this world, and earned heaven in the next. The character of *Manusmṛti*, as a work springing from the mouth of the 'father of men,' and given out in the remote past, rules out historical illustrations, unless they refer, as in the instance of King Vena, to a remote age, or the two ladies, Akṣamālā (Arundhatī) and Sārangī (who, in spite of the low origin became worthy of honour because they acquired the qualities of their virtuous husbands, as rivers by union with the ocean, IX, 22-23), married to sages who were among the immortals, like Vasiṣṭha. Kāmandaka is freer, and cites a historical (or legendary) instance, to point to the result of every virtue or dereliction. Neither ruler nor subject could be oblivious of the implications of the legends of the origin of kingship and royal authority. If divinity was latent in the king, it would be reflected in his virtuous upholding of Dharma; not otherwise. He might wield the "rod of punishment" (*Daṇḍa*) against others, but the embodied Spirit of Punishment is still *his* Master, and is identical with Dharma. It will slay him if he transgresses Dharma. The "law" protects only

when it is cherished (*dharmo rakṣati rakṣitaḥ*). The social compact from which the king, or the State derives its title to govern, is two-edged: *it can be used to support* the *king's claim* as *well as to refute* it. A contract is bilateral. It is only when one party observes the terms of the agreement that an obligation springs in the other to do so also. The solemnities of the coronation, with their symbolic representation of the king's representative and elective origin, and of the coronation promise (which revives the pledge of Pṛthu, when he was installed as king on the assassination of Vena), will drive home the conviction that the king is only a public functionary, remunerated for his duties by the payment of taxes, and in effect only a public servant. That there may be no misunderstanding of his resemblance to a worker, who is worthy of his hire only when he accomplishes the work he has been hired to do, a tax is described as the king's 'wage' (*vetanam*).[1] This doctrine is implicit in *Manusmṛti* and throughout Indian literature, Hindu, Buddhist and Jain. Aśoka frequently refers to his position, with such implications, and to the obligation resting on him to labour ceaselessly for the public welfare. Kālidāsa, whose fame made his utterances pass into popular currency as proverbial wisdom, and whose words are deliberately woven by great rulers in their inscriptions and declarations of aims, says of a great hero that he took *bali* (contributions as tax) from the subjects *solely* to be used for their benefit (*prajānameva bhūtyartham sa tebhyo balim agrahīt*) to be returned to them as a fertilizing shower of benefits.[2] Failure of the duty to protect is involved in undetected theft, and unrecovered stolen properties. Accordingly, the king (*i.e.*, the State) was, in ancient India, under the obligation to make good to a loser the *full* value of the property stolen.[3] The king, who fails to protect person and property (*arakṣitā*) in spite of his collecting taxes (*balim ṣaḍbhāga hāriṇa*) is to be stigmatized as the gatherer of the sins of the whole kingdom (VIII, 308). The ruler who collects his dues but fails to afford protection sinks into hell.[4] It is held a breach of

1. See my *Rājadharma*, p. 107, and my *Ancient Indian Economic Thought*, p. 114 and p. 189.
2. *Raghuvaṁśa*, I, 18
3. दातव्य सर्ववर्णेभ्यो राज्ञा चोरैर्हृतं धनम्। राजा तदुपयुञ्जानश्चोरस्याप्नोति किल्बिषम्॥(८,४०)
देयं चौरहृतं द्रव्यं राज्ञा जनपदाय तु।
अददद्धि समाप्नोति किल्बिष यस्य तस्य तत्॥ (याज्ञव. २,३६)
4. योऽरक्षन् बलिमादत्ते कर शुल्कं च पार्थिवः।
प्रतिभोग चं दण्ड च स सद्यो नरक व्रजेत्॥ (८,३०७)

the coronation pledge. The king who does not maintain the limits of every one's duties and rights (*anavekṣita-maryādam*) is as bad as an atheist, and he falls into hell.[1] Such appeals to the post-mortuary effects of bad government can have effect only when the throne is occupied by a devout and conscientious ruler, or a weak and timid one. Unjust punishment recoils on the king's head, as well as omission to punish the guilty (VIII. 128).[2] In every unjust decision by a court in his kingdom, a fourth of the sin goes to the king and only another fourth to the judges (VIII, 18).[3] He should see that a law-suit is not hushed up, and that none are started in his own name.[4] (VIII, 43). He must not appropriate the property of persons guilty of mortal sins (*mahāpātaka*, IX, 244).[5] Fines unjustly collected by the king should be thrown into water for Varuṇa or given away to Brāhmaṇas (*Yājñavalkya*, II, 307).[6] As the commonest punishment is fining, the king is warned to resist the temptation to make it a source of income, and the fixing of the scale of fines is obviously intended to prevent an abuse of the power (VIII, 183).[7] The king has no power to pardon or overlook an offence, as thereby the guilt is transferred to him.[8] (VIII, 316). Perpetual vigilance is a duty of the king or the state, or of any one

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1. अनवेक्षितमर्याद नास्तिक विप्रलुम्पकम् ।
   अरक्षितारमत्तारं नृपं विद्यादधोगतिम् ॥ (८,३०९)
2. अदण्ड्यान् दण्डयन् राजा दण्ड्यांश्चैवाप्यदण्डयन् ।
   अयशो महदाप्नोति नरकं चैव गच्छति ॥ (८,१२८)
3. पादोऽधर्मस्य कर्तारं पादः साक्षिणमृच्छति ।
   पादः सभासदः सर्वान् पादो राजानमृच्छति ॥ (८,१८)
4. नोत्पादयेत्स्वयं कार्यं राजा नाप्यस्य पूरुषः ।
   न च प्रापितमन्येन ग्रसेतार्थं कथंचन ॥ (८,४३)
5. नाददीत नृपः साधुर्महापातकिनो धनम् ।
   आददानस्तु तल्लोभात्तेन दोषेण लिप्यते ।
   अप्सु प्रवेश्य तं दण्डं वरुणायोपपादयेत् । (९,२४३-२४४)
   राज्ञाऽन्यायेन यो दण्डो गृहीतो वरुणाय तम् ।
   निवेद्य दद्याद्विप्रेभ्यः स्वयं त्रिंशद्गुणीकृतम् ॥ (२,३०७)
6. पणानां द्वे शते सार्धे प्रथमः साहसः स्मृतः ।
   मध्यमः पञ्च विज्ञेयः सहस्रं त्वेव चोत्तमः ॥ (मनु, ७,१३८)
7. साशीतिपणसाहस्रो दण्ड उत्तमसाहसः ।
   तदर्धं मध्यमः प्रोक्तस्तदर्धमधमः स्मृतः ॥ (याज्ञ, १,३६६)
   "मनुनोक्त तत्पक्षान्तरममतिपूर्वापराधविषयं द्रष्टव्यम्" (मिताक्षरा) ॥ Kauṭilya's fines are far lower in amount.
8. अशासित्वा तु त राजा स्तेनस्याप्नोति किल्बिषम् । (८,३१६)

assumption for which there is no warrant. It does not mean that *Arthaśāstra* rules are superior to those of *Dharmaśāstra*. It should be noted that Kauṭilya refers to the four—not as *sources* of law, as now wrongly construed, but as the "four feet of a *judicial proceeding*" (*vivādārthas-caduṣpādaḥ*). Nārada makes the same enumeration and statement, in almost the same words, and his dicta have been loosely translated by J. Jolly thus: "Virtue (*Dharma*), a judicial proceeding (*vyavahāra*), documentary evidence (*caritram*) and an edict from the king (*rājaśāsanam*) are the four feet of a law suit (*vivāda*). There, virtue is based on truth; a judicial proceeding rests on the statements of witnesses; documentary evidence (rests) on declarations reduced to writing; an edict depends on the pleasure of the king." It should be noted that the dictum appears, not in the enumeration of sources of law proper, *i.e.*, substantive law, but of rules of procedure. A court can and must make its own rules. Where a clear declaration from the State (*i e.*, king) as to what is or what is not the law is available in a public document (*rājaśāsanam*), it will naturally gain first priority in procedure in the disposal of suits by judges. Documentary evidence is held as the best form of testimony, and Manu shows its importance, though he deals briefly with adjective law (*vyavahāra-mātṛkā*). That the statement declares the over-riding force of *Arthaśāstra* over *Dharmaśāstra* is explicitly contradicted by Kauṭilya (p. 150) and by Nārada also.[1]

Rājaśāsanam is not *new* law made by a king, over and above those given in *Dharmaśāstra*. The king is not above the law but is under it, like any other person. *Daṇḍa* is king over kings (VII, 28).[2] Kauṭilya, who represents the *Artha* view, holds that a court can punish a king, as it would any commoner (p. 226).[3] Judgment could be given against him. The famous warning of *Manusmṛti* (VII, 13) that no one should defy the law (*Dharma*) which the king

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1. संस्थया धर्मशास्त्रेण शास्त्र वा व्यावहारिकम् ।
यस्मिन्नर्थे विरुध्येत धर्मेणार्थं विनिश्चयेत् ॥ (कौटि. अर्थ. शा., ३,९, पृ. १५०)
यत्र विप्रतिपत्तिः स्याद्धर्मशास्त्रार्थशास्त्रयोः ।
तत्रार्थशास्त्रमुत्सृज्य धर्मशास्त्रोक्तमाचरेत् ॥ (नारद, १,३९)

2. दण्डो हि सुमहत्तेजो दुर्धरश्चाकृतात्मभिः ।
धर्माद्विचलितं हन्ति नृपमेव सबान्धवम् ॥ (७,२८)

3. पुरुषं चापराधं च कारणं गुरुलाघवम् ।
अनुबन्धं तदात्वं च देशकालौ समीक्ष्य च ॥
उत्तमावपराध्यत्वं प्रदेष्टा दण्डकर्माणि ।
राज्ञश्च प्रकृतीनां च कल्पयेदन्तरान्वितः ॥ (कौटि. अ. शा., ४१०, पृ. २२६

makes in favor of those he loves or against those he disapproves of (*aniṣṭeṣu*) and sentences, is not to be construed as entitling the king to make special laws, according to his personal whims.[1] The commentators make this clear, as also the context, because the next verse refers to the punitive power and its creation, through which alone the king is able to maintain his authority, which is superior to kings, and will strike down kings who swerve from Dharma, and which is identical with Dharma. Two interpretations of *dharmo rājakṛta*, or *rājaśāsanam* (king's edict) have been given, both of which are correct, according to their context. The king cannot transgress Dharma or issue an edict that does so. His commands must be obeyed, even if they are in favor of his favorites or against those he dislikes, ***provided they are in conformity with law*** (Dharma) or are not in conflict with it. This is Kullūka's interpretation which makes the verse refer to an *occasional* order of a king, which does not *create* a law. Medhātithi takes it to refer to orders that a king may issue, in the course of administration and in consonance with Dharma and custom, on *minor* matters, such as that the citizens should observe a holiday, that no animals should be slaughtered for soldiers on a particular day, that a close season should be established for snaring wild birds, that the king's slave girls may be entertained for certain days by wealthy men as dancers etc. " When such orders are issued by beat of drum, they should not be disobeyed. The king has no power to make ordinances relating to the Dharma relating to religious duties, nor rules of *varṇa* and *āśrama*, because to do so will be contrary to to smṛti dicta." (Medhātithi). The *Rājaśāsanas*, referred to by Nārada, are isolated or consolidated rules of *procedure* made by the king as a judge, and published by beat of drum. The courts will be bound by them. Or they may contain authoritative interpretations of obscure points of Dharma (law) decided by *pariṣads*. The alleged ' royal edict ' will thus correspond to the praetor's edict in ancient Rome, which *declared* but did not *make* new laws.

The idea that a Buddhist king was not bound by Hindu Dharma and would be free to change the latter by his edicts, is behind the belief that Aśoka exercised a prerogative of legislation, corresponding to the Tudor power of making laws by proclamation or possessed by modern Indian princes of co-ordinate legislation by proclamation. An analysis of Aśoka's famous inscriptions shows that the conclusion is baseless. Aśoka's Dharma is mainly the Hindu Dharma, *sāmānya-dharma*, common to all. His rule of *ahiṁsā* is the emphasis of one of the duties placed *first* in the

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1. अनिष्टं चाप्यनिष्टेषु तं धर्मं न विचालयेत् ॥ (७,१३)

enumeration of *yamas* by *smṛtis*.[1] (Manu, IV, 204 and XI, 222; Yājña-valkya, III, 312-313). His ethical code is identical with that of smṛtis. He was not hostile but friendly to Brāhmaṇas, to whom he asks (Edict VIII) honour and kindness to be shown, quite in the spirit of the smṛtis. The belief that, like the Buddha, he forbade the holocaust of *sacrificial* victims is baseless: firstly, the idea of 'wholesale slaughter of animals' in Vedic sacrifices is incorrect, and sacrifices were themselves very occasional and few; and secondly because, he restricted the killing of animals, only within his palace, and enforced only the smṛti rule against castration and caponing.[2] He *may* have with-drawn his patronage from Brahmanical *yāgas*. The first and fourth Rock Edicts, and the second, fifth and seventh Pillar Edicts which contain the provisions, are not in any sense modifications of law or Dharma, but come within the categories named by Medhātithi. It is therefore wrong to assume, as is usually done, that either Buddhism or Aśoka put a stop to the slaughter of animals, or meat eating. The belief that they did so persists, largely because it seems to be based on a dislike to Brahmanism.

In the search for precedents for a supposed power of the king to make laws, two instances have been pressed into service to establish the proposition. The first is an allusion in the *Daśakumāra-carita* of Daṇḍin (II, 44)[3] to a regulation made by the Mauryas in favor of merchants. It was that a merchant found in possession of stolen property was not to be sentenced to death, like a thief. In *Manusmṛti* (IX, 270) a thief caught red-handed, with the stolen

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1. अहिंसा सत्यमस्तेयं शौचमिन्द्रियनिग्रहः ।
एतं सामासिकं धर्मं चातुर्वर्ण्येऽब्रवीन्मनुः ॥ (१०,६३)
अहिंसा सत्यमक्रोधमार्जवं च समाचरेत् । (११,२२३)
ब्रह्मचर्यं दया क्षान्तिर्दानं सत्यमकल्कता ।
अहिंसाऽस्तेयमाधुर्ये दमश्चेति यमाः स्मृताः ॥ (याज्ञ, ३,३१२)
सर्वेषां सत्यमक्रोधो दानमहिंसा प्रजननं च । (वसिष्ठ, ४,४;)
अहिंसया च भूतानाममृतत्वाय कल्पते । (मनु, ६,६०;)
नित्यमहिंस्रो मृदुर्दृढकारी दमदानशीलः । (गौतम, ९,७०;)
क्षमा सत्यं दमः शौचं दानमिन्द्रियनिग्रहः ।
अहिंसा गुरुशुश्रूषा तीर्थानुसरणं दया ॥
आर्जवं लोभशून्यत्व देवब्राह्मणपूजनम् ।
अनभ्यसूया च तथा धर्मः सामान्य उच्यते ॥ (विष्णुस्मृति, २, १६-१७)

2. पशूनां पुंस्त्वोपघातकारी च । (विष्णुस्मृति, ५,११९)

3. मौर्यदत्त एष वरो वणिजां, ईदृशेष्वपराधेषु नास्त्यसुभिराभियोगः ॥
cited by Jayaswal, *Manu and Yājñavalkya*, p. 73.

property in his possession, is subject to capital punishment.[1] He who knowingly receives stolen property, or property of which the seller is not the real owner either incurs guilt or loses his purchase and is liable to punishment.[2] (VIII, 197). But an open and *bona fide* purchase in the market clears the buyer from criminal liability, though the article must be restored to the original owner (VIII, 201).[3] The Mauryan law is clearly only in the spirit of Manu, and upholds the nonculpability of a transaction made in good faith, and a judge who acted in the spirit of Manu to take all circumstances, place, time, etc., into consideration would have only acted as directed by the Mauryan edict. It did not change the smṛti law, but only made it clearer. In an empire with expanding trade the trader had to be protected against mistakes made in good faith.

The second instance is held to be a three days' grace granted by Aśoka to criminals sentenced to death between the date of the sentence and its execution, in order that the criminal might make his peace with the world and prepare himself for his departure. In smṛtis there is no rule that a sentence pronounced by courts should be carried immediately into effect. But that was the practice. It was an executive matter entirely, and a king was free to act on his discretion, as Asoka did, in granting the short period of grace. The matter for surprise is that the period was not longer, in order that the king himself may review the case, in view of the impossibility of correcting a wrong capital sentence after it was carried out.

An influence that must have contributed, paradoxical as it may seem, to the zealous subordination to Dharma as laid down in works like *Manusmṛti*, is the presence, (constantly renewed) of large bodies of foreigners, who came as invaders, settled in the country, learned its language, were admitted to its tolerant religion and became enthusiastic advocates of its culture. Dynasties also, whose title to rule as kings, was weak under Dharmśāstra, made up almost ostentatiously for their weak position by zealous adherence to the ancient Dharma. In *Manusmṛti* we have a clear enunciation of the principle that only a Kṣatriya should be a king. But, the work knows of the existence of Śūdra kings and kings of mixed castes. The rule that a Brāhmaṇa

1. न ह्योढेन विना चौरं घातयेद्धार्मिको नृपः ।
सहोढ सोपकरणं घातयेदविचारयन् ॥ (९.२७०)
2. विक्रीणीते परस्य स्वं योऽस्वामी स्वाम्यसंमतः ।
न त नयेत साक्ष्यं तु स्तेनमस्तेनमानिनम् ॥ (८,१९७)
3. विक्रयाद्यो धनं किंचिद्गृह्णीयात्कुलसन्निधौ ।
क्रयेण स विशुद्धं हि न्यायतो लभते धनम् ॥ (८,२०१)

should not dwell in the dominions of a Śūdra ruler (*na śūdra-rājye nivaset*, IV, 61) is coupled with the warning that one should not also live in lands over-run by a heretical population or by unrighteous persons. If it was meant to be acted upon, it was a counsel of perfection. The Purāṇas declare that the Nanda dynasty marks the end of the rule of Kṣatriyas (*Nandāntam kṣatriyakulam*). Under the great Mauryas, the limits of the empire stretched from sea to sea, from the Hindu-Kush to the forests of Eastern India, and far into South India. Aśoka was a Śūdra king, and as a Buddhist he will be classed as a *pāṣaṇḍin* (heretic), though to term so highminded a ruler an *adhārmika* would have been absurd, particularly when his *dhamma* is indistinguishable from the old *Dharma*. A Brāhmaṇa king would have been as obnoxious to orthodox sentiment as a Śūdra ruler or a Vaiśya king. We have the Vākāṭakas, who claimed to be Brāhmaṇas, the Kadambas, whose first ruler, Mayūraśarman was a Brāhmaṇa, who voluntarily suffered demotion in *varṇa* by becoming a king, the Imperial Gupta dynasty, which gloried in an alliance with the Licchavis (whom Manu traces to outcaste or *vrātya* Kṣatriyas, X, 22), the dynasty of Thanesar (Sthāneśvara), of which Harṣavardhana was the most famous ruler, which Yuwan Chwang describes as a Vaiśya dynasty, besides the Śātavāhanas and the Pallavas, who were not of indigenous origin. Yet all these dynasties gloried in their support of Dharma, in performing, even in Kaliyuga,[1] the Aśvamedha sacrifice, and were enthusiastic worshippers of either Śiva (*e.g.* the Bhāraśivas) or of Viṣṇu (*e.g.* the Guptas). They intermarried. The marriage of Harṣavardhana's sister to the Maukhāri Grahavarman (whose Kṣatriya birth is extolled by Bāna) may perhaps be explained away as hypergamous, but not the marriage of a Vakāṭaka princess to a Gupta king, which may make it a *pratiloma* union. When Manu denounces *niyoga* as a 'beastly custom' (*paśudharma*, IX 66), how would he have viewed the marriage of Candragupta II with the widow of his brother? The open door of tolerant Brahmanism might find a place in it for the Greek devotee of Viṣṇu, Heliodorus, whose flagstaff and inscription still exist at Besnagar. And but for the theory of *Manusmṛti* that many Kṣatriyas fell from their *varṇa* by neglect of Dharma, the absorption into the *varṇa* scheme of powerful non-Indian peoples would not have been possible. The elastic limits of *Āryāvarta* were gradually extended to all lands in which *varṇāśrama-dharma* prevailed. A similar extension appears to have brought within the scheme every tribe or people, which accepted it!

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1 Aśvamedha and Vājapeya are *Kalivarjya*.

It is obvious that the new converts to the *varṇāśrama* ideal accepted the other ideas involved in it, such as the *guṇa-dharma* of kings as set out in smṛtis. They must have accepted the principle that the king was under, not above Dharma. The ostentatious manner in which the kings of the Pallava, Kadamba and Gaṅga dynasties of South India, and even the rulers of Campā in the Far East, took the title of 'Dharma-Mahārāja' must carry the implication that they accepted the entire scheme of Dharma. It is possible that the immense popularity of the horse-sacrifice with rulers of the new dynasties of dubious *varṇa* may have been due to the belief that their *vrātya* origin (assuming that they became *vrātyas*, after having been Kṣatriyas once upon a time)[1] would be corrected by the *Aśvamedha*, which is prescribed for it. Thus the system of *varṇāśrama-dharma* obtained a new and vigorous lease of life from the incorporation within it of alien tribes and peoples, and the old *smṛtis* new and zealous upholders. There was statesmanship in the scheme of mixed castes and their official recognition in *Manusmṛti*, as it extended the field for humanization, religious and cultural conquest and the acceptance of healthy political ideals, which did not translate power as absolutism and irresponsibility.

The Elements of the State.

We may now pass to the concept of 'the seven limbs' of the kingdom, or the elements of the stable State, as we may put it. The condition of political union, or the State, having been upheld as a natural and necessary institution, resting not merely in the instincts of mankind, but on the highest ultimate sanctions, it becomes necessary to analyse its component elements. The effort resulted in the doctrine that the State has 'seven limbs' (*saptāṅga*). The idea is a unique discovery of the Indian mind, and is common to both Dharmaśāstra and Arthaśāstra. The seven constituents are stated to be the king (*svāmin*), minister (*amātya*), capital (*pura*), country (*rāṣṭra*), treasury (*kośa*), armed forces (*daṇḍa*) and ally (*suhṛt*), and each preceding one is held to be more important than those which follow it (IX, 294-295), and its destruction the greater calamity. As the three sticks composing the staff (*tridaṇḍa*) of the ascetic are all equally needed for its strength, so in the seven constituent elements of the kingdom there is, in normal conditions, none which is less important than another (IX, 296).[2] If it becomes a matter

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1. Vasiṣṭha, XI 76—19.
2. सप्ताङ्गस्य च राज्यस्य विष्टब्धस्य त्रिदण्डवत् ।
अन्योन्यगुणवैशेष्यान्न किंचिदतिरिच्यते ॥ (९,२९६)

of desperate choice in an emergency, as when an amputation may be the only way of saving the man, so in a national calamity, such as a foreign invasion, one may give up an ally than sacrifice the army, even give up the army than the war-chest, from which new troops may be raised and new allies won, sacrifice even the treasury to save the country from ravage (as by buying off an invader), allow even the country to be over-run or denuded in a 'denial' policy to an invader, who might attempt to live off the land, and carry on the war, at the expense of the invaded land, and withdraw to the fortified capital (*pura*, or *durga*). If it becomes necessary, in the last desperate effort to save the State, to evacuate even the capital, it may be done if the men, who have stood behind the king, as his ministers and directed the defence, can be saved. When all seems lost, and even the members of the cabinet have been lost, the sole remaining hope of rallying the defenders, of making the ravished State rise again from the embers of its destruction, is the King, the living symbol of union. The wisdom of the principles has been demonstrated in every modern war in which a country has been attacked, over-run and almost destroyed as a nation and State by an irresistible invader. We have seen every one of the steps taken in precisely the same order in the Franco-German War, in the First World War of our time and the latest World War. The preservation of the Mikado today, without throwing him to the wolves, is an act of statesmanship, defensible on the ground that to remove him will be to destroy the only symbol of unity, the only authority through which order can again be restored and preserved in ravaged Japan.

The principles are to be applied not only in a war of defence but in an invasion. To attack the citadel of the enemy is more important than to capture his war chest, and to make his field forces surrender than to detach his allies. For finishing the war the capture of the king and his staff is the culminating event. In normal times, all the elements work in co-operation, recognizing their interdependence; but even then, the relative values will be the same for stable government. The advice of Manu to place a prince of a conquered dynasty and country on the throne, as soon as the enemy is killed or has fled, is a recognition of the need to set up an executive head of the conquered State, with whom peace can be concluded, instead of allowing the country to remain in a condition of chaos, with an indefinite prolongation of hostilities and the deterioration of the struggle into a guerilla war. The resort to war as the last expedient to solve an insoluble dispute between nations is justified only by limiting its duration to the minimum. It is not only the combatant powers but allies and neutrals

that are unsettled by the prolongation of a war. The restraint to which under International Law neutrals willingly submit are due to their interest in making the struggle sharp, short and decisive. As in the case of a fire, the combatants should have a ring drawn round them, as a fire-fighting device, to prevent the extension of the area of strife. The rules of war, which are laid down elaborately by Manu (VII, 87-94, 164-167, 170-171, 181-199) are designed to this end, and to minimise the suffe.ing caused by the war, and to prevent atrocities or horrors, whose memory will engender bitterness, the desire for revenge, and sow the seeds of another war. War crimes, like war revenge imposing impossible peace terms, are less likely to end a war than to provoke it again. Dynastic ambitions, the desire to annex the conquered territories, the exaction of war indemnities, the imposition of the power of State on State, and of one people on another, and, in the name of a superior culture, attempts to uproot the culture, laws and traditions of a conquered country and to impose on it those of the conqueror, are all evils in the view of Dharmaśāstra as well as Arthaśāstra. They condemn them not only as inexpedient and unwise, but as contrary to the higher instincts of man, and the lasting interests of all concerned.

Manu's rules on these subjects are still worthy of study, and worthy also of imposition in our days, when primitive passions roused in the World War have uprooted humanity, in the sense also of deadening national conscience and humane feelings. Under the ancient Indian rules of war, many of the methods adopted in recent world-wars would be outlawed. Night attacks are forbidden except foı creating a diversion or to create panic and confusion in an enemy's encampment (VII, 196).[1] The slaughter of men asleep is forbidden (VII, 92). The use of *kūṭa-yuddha* (concealed methods of fighting), a term of wide extension, probably includes 'booby traps,' and such things as we now call land-mines. In the wider sense, it is war by secret and unregenerate methods. While Manu permits the laying waste of the enemy's country and destruction of his productive resources, he does not allow the molestation of non-combatants. The undisturbed condition of the peasant cultivator that Megasthenes noted with admiration, as a unique feature of India, must refer not to the conditions of actual warfare but of military marches and of army manoeuvres. The soldiers were not allowed to molest peaceful citizens or to destroy crops and standing trees during their marches. The tendency to take the law into their own hands, so common to those who have arms and entertain the belief of their belonging to a

1. रात्रौ वित्रासयेत्तथा (७,१९६)

privileged class, was discouraged. Every fighter, whatever his *varṇa*, was governed in his action and conduct by the ideals of the Kṣatriya, which include not only refusing to fly before an enemy and courting death in battle as the way to heaven, but protecting the civil population. We have a realistic picture by Bāṇa of an army on the march, and one of its features was the pelting of the troops with stones and clods of earth by infuriated peasants, when their crops were trampled on, and the assaulted soldiery not retaliating, but calling on spectators to bear witness of the assault, in order that the peasants may be duly punished by the civil magistracy.[1] Such discipline is possible only when the military power is ordinarily under civilian control in the last instance, and there is a strong Government to enforce discipline on its armed forces. A pampered soldiery is *adharmic*. While the king and the generals probably belonged to the martial caste, the minister in charge of war and peace, the *Mahāsāndhivigrahika*, was of the non-martial Brahmaṇa *varṇa*. The subordination of the army to civilian control, and of the military to civil law and usage, are not therefore the discoveries of modern times. The deterioration in standards, which we notice in mediaeval times, and the pursuit of war by methods that were condemned by *Manusmṛti* as unregenerate and unhallowed, are the consequences of the struggles against barbarous invaders, who fought without any scruples, and against whom the rules of chivalrous war were positively futile. Still, the higher ideals did not die out. A recent study of the Pathan conquest of India reckons the causes of the Hindu collapse before the invaders as two: inferior military equipment and inferior war technique. The latter refers to the conduct of war according to the *smṛti* rules. There *is* a disadvantage in being chivalrous to an unchivalrous foe. It was seen in former invasions of India, like those of the Huns. But, in wars between Indians and Indians, both of whom followed the rules of the game, it had its advantages. It limited the area over which the struggle was spread, it reduced the evil results of defeat to the vanquished, and prevented the growth of rancour in the defeated party. The prizes that an Indian conqueror coveted were tribute and formal homage rather than additional territory. There was some degeneracy after the Gupta epoch, but it was not comparable to what followed foreign conquest by an enemy, alien in birth, tradition, culture and religion like the Arabs and Pathans. Constant war on a small scale was a feature of mediaeval India. It was due to the incitement contained in the *smṛti* dictum that death in battle was the ideal for the king or Kṣatriya

1. *Harṣacarita*, Trn. Cowell and Thomas, p. 201.

(IX, 323) rather than death by old age or disease.[1] War was compared to a sacrifice, and to a king it was equal to one. A war was regarded as between rulers or states and not as between peoples. It was a struggle for supremacy, not a conflict of peoples, in the search for markets, or fields for colonization or for raw materials, as today it is. There could be no implacable enmity between kingdoms. Such results of Dharma warfare flowed from the inspiration of smṛtis like Manu's.

Elaboration of Policy (*Upāya*).

Manu utters a note of warning. The issue of a battle is always unpredictable. The victory may not be to the strong. To appeal to war for the settlement of a dispute must therefore be the *last* resort. Kings must study policy. It is fourfold: conciliation (*sāma*), concession or gifts (*dāna*), sowing dissension (*bheda*) and war (*daṇḍa*). Each preceding among these is superior to those that follow. (VII, 159). Manu favors the first and the last above the others, as the intervening two are obviously not straightforward. (VII, 109).[2] The expedients (*sādguṇya*) are six: *Sandhi* (agreement for co-operation), *vigraha* (hostility), *yāna* (marching or mobilization), *āsana* (readiness to attack) *dvaidhībhāva* (division of troops), and *āśraya* (subordinate alliance). The literal meaning of these terms does not convey that ascribed to them by commentators following the teachings of the Arthaśāstra, in which they are elaborated. Thus *dvaidhībhāva,* which Manu interprets as dividing up one's army, is taken by Kāmandaka as double-dealing, talking of peace when prepared to strike, as the Japanese did at Pearl Harbour. A third concept is that of the 'circles' or *maṇḍalas,* in regard to which there seem to have been ancient cleavages of opinion—to judge from their discussion in Kāmandaka.[3] A king is looked at (in regard to foreign policy) as a *vijigīṣu* (aspirant for victory), just as every living being is a potential *mumukṣu* (aspirant for *ultimate* freedom). Common frontiers are fertile sources of conflict. The neighbours on four sides of a kingdom are therefore its natural foes. *Their* neighbours, being potential enemies of theirs, may be regarded as united by common enmity to the same person or state by the first named kingdom. A kingdom whose boundaries march together with those of two others which are on terms of hostility, is forced into a position of

1. दत्वा धनं तु विप्रेभ्यः सर्वं दण्डसमुत्थितम् ।
   पुत्रे राज्यं समासज्य कुर्वीत प्रायण रणे ॥ (९,३२३)
2. सामदण्डौ प्रशंसन्ति नित्यं राष्ट्राभिवृद्धये ॥ (७,१०९)
3. *Nītisāra*, VIII, 16—51.

neutrality (*madhyama*). A neighbour in the rear (*pārṣṇigrāha*) is ever a danger, if one has to advance against a foe in the other direction; he must either be secured as an ally, or be embroiled with *his* neighbour (*ākranda*). In this manner the total number of interests comes to twelve, which has to be multiplied by the six *prakṛtis* or elements of the kingdom (*i e.* the *saptāṅga*), each of which might pull with or against each of the twelve. There are thus seventy-two factors in all. The subject is developed on the lines of works on polity, with the modification that Manu will *not* countenance in foreign relations immoral action. His diplomacy is to be straight, because he feels that duplicity can beget only duplicity. The predominant position given in the circle of ministers to the *Purohita* ('the first Brāhmaṇa'), the successor of the Vedic *Purōdhā*, who like the *Peshwa* or *Paṇḍit Pradhān* of the Maratha empire, was the king's *alter ego* or vicegerent—is to give a high ethical turn to all decisions taken in consultation with the ministers.

The Council of Ministers.

Indian thought does not see a conflict between reposing the responsibility for final direction or decision on one person, and the obligation to consult experts. In all State matters the king's decision is not only final, but it is he alone that must decide and take the responsibility. But he is to be *daily* advised by a body of carefully chosen ministers with whom all important matters *must* be considered. In judicial work, either the king, or a Brāhmaṇa acting for him (VIII, 9) is the judge, who has to pronounce the decision of the court, but he is to be assisted by the *sabhāsadas*, or *sabhyas*, who find a verdict on the evidence before the court (VIII, 10). In a sacrifice there is the sacrificer (*hotṛ*), who simply is guided and does not guide, and four priests, of whom one is the director (*Brahman*). 'A car cannot run on a single wheel' is the expressive metaphor to signify distrust of 'one-man rule.' Manu *directs* (VII, 54) the appointment of seven or eight chief ministers, who are natural-born subjects of the country (to secure their fidelity), have ancestors who have served the State faithfully, are of noble lineage (a warning against appointing favorites or upstarts, who will have no weight in the country), and skilled in counsel and arms. Even a small matter is difficult of accomplishment by the unaided afforts of a single man; how can a State be ruled properly by a sole monarch? The Graeco-Roman device of checks and balances, of co-adjutors in every office, armed with equal powers and duties, is *not* favored by Indian thought. This is the reason for some difference between the consultations, as envisaged by Manu and by Yājñavalkya, in regard to the manner of taking opinion: Manu will

have it done in secret, minister by minister (VII, 57); Yājñavalkya makes it collective (*taiḥ sārdham* I, 312). Though there is no collective responsibility (as in a modern cabinet) there must have grown among ancient Indian ministers a feeling of one-mindedness on important issues. A consultation is a *duty*, being imposed by Dharma. The frank advice of ministers must have been so weighty that a king, who went against it must have felt that he was doing so at his peril. This is a real check on absolute rule.

There is some haziness in *Manusmṛti* about the names and duties of the individual ministers. The question was one much canvassed in Arthaśāstra writings, and Manu has merely indicated his preferences: The number of ministers for daily and nightly consultation must not be too large; nor should the consultations be so held as to take away the ministers from their own administrative duties. The Commanding General, the Purohita, the Chamberlain, Dharmādhikārī and the Minister for War and Peace and the *Dūta* (envoy) emerge as common figures in the enumerations in books and inscriptions. As in modern times, new ministers may have to be created for new purposes or emergencies, and some ministers may become unnecessary. Much stress is laid on secrecy, and the divulging of counsel is a grave offence. An ambassador was expected to use his eyes and ears, and spy out the secrets of the kingdom he was deputed to: *i.e.* to do spying, a function, which is not absent from modern embassies.

Administration.

The king is asked to pay great attention to his finances, and make a *daily* audit of his position. This was needed in view of his fixed sources of revenue and elastic expenditure. The enumeration of authorities for local and district administration by Manu seems to indicate only a general principle, and is obviously not a reflection of actual conditions at *all* times and places. The unit is the family (*kula*), next the village (*grāma*), and next higher the group of *grāmas*, the *bhukti*, ascending groups of ten, twenty, hundred and thousand villages each under a collector. The heads have all police, judicial and revenue collecting duties. City administration is on different lines. Caste affairs and affairs of *saṅghas* or corporations are to be settled by their own officers, in accordance with their own constitutions. The residuary responsibility *in all matters* is on the *lowest* unit. It is a kind of federal arrangement, reducing centralization to a minimum. Except where the King or the State is compelled to intervene in the exercise of duties of regulation, standardization, policing, defence or maintenance of Dharma of *varṇa* and *āśrama*, the

local authorities were free from central interference or control. This again was a check on absolutism.

Law and Justice.

In the adjudication of law, a system of laws was developed which in its subtlety, refinement and standards of equity, is equal to, and, sometimes superior to the best modern systems. The admirable features of our developed civil law (in its traditional arrangement under eighteen titles) even in *Manusmṛti,* which deals with it less fully than later smṛtis—(for reasons already stated) are obvious even in a cursory examination. Comprehensive codes of civil and criminal laws are comparatively late in the history of Western jurisprudence. It still shows many anomalies and archaisms. Indian achievement in this respect is entitled to praise for its high excellence and for its being reached early. That judicial work, involving learning and subtlety, should have been so well done, and done without the courts having a body of trained lawyers to assist them, is proof of the wide-spread knowledge of legal principles and rules in ancient India, thanks to the obligation to study works like *Manusmṛti.* It was the boast of Justinian that his *Institutes* would enable every one to render to every other his due by comprehending his rights as against those of others.[1] The Indian code, on the other hand, aimed at making every person of education learn his duties to himself and to others, as well as the duties to the present, the past and to the future of himself and his genus. The skill of a judge in tracing truth was likened to that of the hunter in tracking game. Responsibility for justice in courts was *personal* to the king, in the sense that on it depended not only his position in this life but in the future lives also. Justice was open and free. Immunities were attached, as already explained, on various grounds to special classes, but they were only from the common penalties, and not from the liability of *every* one to be called to account in a *public* trial. A careless or corrupt or proud judge could be pulled up openly in his own court, during and after trial, if the critic was prepared to take it before the arena of public opinion or before the highest responsible functionary *i.e.*, the king. There was no judicial privilege against merited criticism[2].

In regard to criminal law, which is popularly supposed to be weak in ancient systems of jurisprudence, and which, as presented in

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1. 'Justice is the constant and perpetual wish to give every one his due'. (*Institutes,* I, i, 1) ed. Saunders.

2. This was a safeguard against the abuse of 'contempt of court'.

works like *Manusmṛti*, has been hastily branded as barbarous, savage in its punishments and discriminatory, a detailed study will vindicate its claim to humanity, subtlety and fundamental impartiality. I have only alluded to it, in the course of the lectures. A detailed study now will take me far out of my way. Even as regards civil law and judicial procedure, I have felt myself at liberty to omit a *systematic* consideration of them in this course. They have been dealt with by one eminent as a jurist and judge who was the first lecturer under this Foundation.[1] The social and political system of any people cannot be comprehended except on a background of its laws.

Conclusion.

The consideration of a number of preliminary issues regarding *Manusmṛti* in the earlier part of this course may give the impression that its aim has been merely to vindicate it. The study of an ancient society or its authoritative exposition in ancient literature has only a limited utility, if its purpose is only to clear misapprehensions and to correct errors of appreciation. Social palaeontology may hold an appeal only to academic minds. But the system that Manu outlines is not a thing of the past; it still survives. Its features have been obscured and its rules distorted, and much which claims his authority in modern life may be found to depend more on assertion than on proof. The one service that the terrible shake-up that the world has suffered within the lifetime of our generation, is to be less positive of the merits of modernity and of institutions that have been loudly advertized, but which have signally failed to save the world from appalling disaster, and to be more ready to look for guidance outside one's own circle. The first World War set many people asking whether the Christian civilization that was on its trial was not worth re-thinking out. We are now receptive to suggestions to think out the fundamental assumptions of modern life, and the basic principles of our social and political life. Old labels and old war-cries do not now satisfy us. We desire to look behind or below them for principles that they obscure or smother.

In this mood for studies in revaluation, ancient schemes of life, which have shown historic influence and a power of survival in the face of great vicissitudes, may seem worthy of study. The Hindu scheme of life, of which *Manusmṛti* may be accepted, as it has been for centuries, as an authoritative exposition, is among such studies. If it has no other value except as exposing the unstable foundations of many modern social and political beliefs—such as the equality of the sexes, the equal rights of men, and of equal weight to every one in

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[1] Sir S. Va chariar, *Hindu Judicial System*, 1946.

society; of the value of only a materialistic view of life and life's problems; of the superiority of environment to heredity; of the exclusively material basis of social betterment; of the belief that the proper standard for remuneration is material productive capacity etc.—it will have served a useful purpose. On the positive side, it may throw new light on old problems or suggest a readjustment of values or emphasis. The basic differences of outlook between the East and the West will emerge from such a study. India has a synoptic view of the economic, political, social and spiritual aims of life and of hedonistic, psychic and spiritual urges. Its views on the nature of sex and of sex-relations as natural and capable of regulation and sublimation for ultimate ends of existence, make the approach to the problem of sex relations, *in* law and *out* of it, must help. Its approach to the problem of riches and poverty is different from ours. Its valuation of ascetic and non-ascetic activity are different. Its attitude of quietism is a myth. Its standards of conduct are less liable to change, owing to their bases being in instincts and *ultimate* ends. It visualizes social elevation by slow processes and by fundamental changes of spiritual outlook. It places the sublimation of human nature as the only way of raising man. It has shown salvation as not exclusive but universal. It has based social harmony upon a balance of duties, and not on a conflict of rights.

It has shown the limitations of individualism and of what we now call socialism. It has made the State the means of the 'good life,' in more than the Aristotelian sense; for, it made not only every one function to the best of his powers and means, in *this* life, but prepared him for the *ultimate* goal of all activity. While it has not disdained economic motives and activity, it has placed them in due subordination to other and higher ends. It has had no such illusions as the modern world has of the saving virtues of mass production and machinery, of world marts and world controls. It has neither been andro-centric nor ego-centric. It has visualized the survival of man as dependent on the education of the best in him and in all other men upto the limits of capacity, and discipline and spirituality as the features of its educational machine. It has been wisely selective in regard to the persons to be educated, and the degree to which they may be educated, the special needs of special classes in education as well as the common needs of all, and of the communication of the knowledge, which means power, only to those who will use it not for selfish purposes but for the good of the world. The degradation of science by applying its results to the causing of harm or destruction on a colossal scale, is a voided in its scheme of training. It is only the *āsura* (demoniac)

mind that misuses the power, which mastery of the secrets of Nature confers. Communal life is conceived as one in which equality means equal opportunity for disinterested service to every one by every one, up to the limits of his or her capacity, the subordination of the individual to the common good, of the supersession of proximate by ultimate ends. Social service is not based under it on the vague claims of a shadowy humanity, but upon the needs of every one's self-expression, self-realization and propulsion to the final goal. It has put a background of divine purpose to all activity.

Disillusionment in the saving virtues of Western Civilization dawned on thoughtful minds long before some of them realized its decadence, and urged whole-sale reconstruction to bring into existence the old ideal of the City of God. In such a frame of mind, it is not surprising, that even in the obscurity of translation and misinterpretation, the merits of the Hindu organization and its exposition in *Manusmṛti* evoked appreciation. "Such a law book" said Nietzsche "as that of Manu sums up the experience, sagacity, and experimental morals of long centuries before it comes to a final decision. . . . It does not *devise* expedients; it only *reveals* them. At a certain point in the development of a nation, the book with the most penetrating insight, pronounces that the experience according to which people *are* to live—*i.e.*, according to which they *can* live—has at last been decided upon. The aim is to garner the largest and richest harvest possible from the times of experiment and unfortunate experience. Consequently, that which has to be obviated is the further persistence in experimenting, the continuation of the fluid condition of values, of the testing, selecting and criticising of values *ad infinitum*. A double wall is put against this state of things—God gave it, ancestors obeyed it. The rationale of such a procedure is to oust consciousness step by step from the sphere of life recognized as correct (as proved by an immense and carefully sifted experience) so as to obtain complete automatism of instinct—the pre-requisite for every kind of superiority, for every kind of perfection in the art of living. To draw up a law book such as that of Manu means to permit a nation to get the upper hand, to become perfect, to be ambitious of the highest art of living." Universal experience has a common denominator. It is this which is expressed in a work like *Manusmrti* whose surprising *modernity* in many matters will cause astonishment in those, who had over-looked it.

In the histories of great nations or peoples a mood of introspection and historical revaluation comes upon the best minds, when they have witnessed appalling calamities ending in almost the collapse of society following internal decay or disintegration or external impact,

springing from violent collisions with alien or barbarous peoples. India has had many such experiences. Some of them are reflected in the Purāṇas. After chronicling the collapse of successive dynasties, they come to the barbarian invasions and the disintegration of society in which they visualize the workings of *Kaliyuga*. Their wails have a common feature. They lament in painful detail the lengths to which society proceeded in directions contrary to those indicated by Dharma, in the good days in which it was the soldering agent of social solidarity. The vision of the distant Redeemer, who will again lift the submerged world above social and moral chaos and restore moral order and spirituality under Dharma, that the world had lost by straying from the path, and inaugurate the approach to the Golden Age, is held up to sustain the faltering faith of men, to whom such an epoch had been only of the remote past.

To-day in a mood of disappointment with existing institutions and ideals, we feel an urge to shed the prejudices of race and culture, and to look for light wherever it may be found, to illuminate the world's path again to safety and security. In this mood, among the studies which may attract, that of our *Sanātana Dharma* as expounded in Dharmaśāstra, may have a place. The hope that the study of its skilful adaptation of means to ends, its logical deduction of rules of conduct and of social planning from psychological and socio-religious hypotheses, and its successful attempt to weave in a common pattern the strands of ethical, economic, social and spiritual aims of man, so as to produce a web of co-ordinated effort in interdependence than in isolation or rivalry, and its success in building up a tradition that has saved Indian society for centuries from disintegration, may still have use is the hope that has inspired and sustained this study and interpretation of Manu.

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